Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
2	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g).	Federal regulations require one to adhere to labeling requirements for containers of registered pesticides. As part of these labeling requirements, producers must include specific directions concerning the storage of the pesticide container. It is the responsibility of the user to adhere to the directions on the label.	The following deficiencies were noted regarding the storage of registered pesticides that were inconsistent with the labeling instructions: (1) Numerous aerosol cans of bug spray were located within closed flammable storage cabinets in an exterior location by the maintenance shop. This would not be considered storage in a cool place. (2) Numerous ChemTreat C-2188 containers were stored outside near the PTMEG cooling towers, and were not protected from precipitation or run-off. This would not be considered storage in a dry place. (3) The bulk storage tank containing the Dixichlor is located at the THF cooling towers in an exterior location that is not protected from precipitation or sunlight. This would not be considered storage in a cool, dry place away from the sunlight.	(1) The facility moved the bug sprays to inside cabinets that constitute a cool place. (2) The facility consulted the manufacturer about product storage in light of this finding. The facility stores the material in the original container and keeps the lid closed. These containers are water-tight. Despite the facility's belief that this finding is in error and no corrective action is required, as an additional precaution, on 10/22/04 the facility began storing the product in its original containers on a pallet, covered with a tarp. (3) The facility consulted the manufacturer about product storage in light of this finding. The manufacturer agrees that the material is being stored in a cool, dry place away from sunlight. The opaque tank in which the product is stored keeps the product dry and from being exposed to direct sunlight. By keeping the product stored at ambient air conditions the product is kept cool. The manufacturer confirmed that storage in outdoor bulk tanks is standard practice. Therefore, this finding is in error and no corrective action is required.	8/25/04	10/24/04	10/22/04	1. B,F 2. E 3. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g).	Federal regulations require one to adhere to labeling requirements for containers of registered pesticides. As part of these labeling requirements, producers must include specific directions concerning the disposal of waste pesticide containers. It is the responsibility of the user to adhere to the directions on the label.	The following deficiencies were noted regarding the disposal of waste pesticide containers that were inconsistent with the labeling instructions: (1) Empty containers of ChemTreat C-2188 are being rinsed at the PTMEG wash down pad and being reused by employees for personal use. (2) According to the label instructions, disposal of aerosol cans of bug spray includes wrapping the container and disposing of the container in the trash. The aerosol cans are being punctured and emptied, and then placed in the scrap metal dumpster for recycling. This is a prohibited method of disposal, as the disposal instructions on the label are not being followed.	(1) The facility held a Team Leader Meeting advising of policy change and that no containers that ever held chemicals may be given to employees. (2) The practice of puncturing aerosol cans is suspended and a new procedure has been adopted that requires disposal in a 55 gallon drum managed as hazardous waste. The above information was also added to the waste management course for employees.	8/25/04	10/24/04	1. 9/26/04 2. 9/20/04	1. B,F 2. B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
4	40 C.F.R. § 156.10(a)(4)(ii)(B)	Federal regulations require bulk storage tanks holding registered pesticides to have a legible copy of the approved pesticide label attached to the tank.	Two bulk storage tanks containing registered pesticides (PTMEG cooling tower tank: 5-chloro-2-methyl-4-isothiazolin-3-one Reg. No. 26172-55-4 and THF cooling tower tank: Sodium Bromide Reg. No. 5185-451-15300) were observed with labels that did not include all of the required information. Information missing includes: (1) The address of the producer, registrant, or person for whom produced; (2) The net contents; (3) The product registration number; (4) The producing establishing number; and (5) All information required in the ingredient statement.	The manufacturer supplied new labels, correcting the deficiencies noted. This deficiency implicates the label provider, not the facility, because the labels themselves were deficient, not the facility's placement of the labels.	8/25/04	10/24/04	9/17/04	E
5	30 T.A.C. § 335.112(a)(8)(adopting by reference 40 C.F.R. Part 265, Subpart I- - Use and Management of Containers); 40 C.F.R. § 265.176	Federal regulations require that all containers holding ignitable waste be located at least 15 meters (50 feet) from the facility's property line.	The <90-day storage area, # 080, located north of THF loading facilities, contains ignitable wastes and is less than 50 feet from the property line fence.	The facility moved all ignitable and reactive wastes to proper storage locations to ensure they are at least 50 feet from the current property boundary.	8/25/04	10/24/04 Extension requested to 1/5/05 per letter dated 10/22/04	1/5/05	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
6	40 C.F.R. § 262.34(c)(1) 30 T.A.C. § 335.69(d)	Federal and state regulations require satellite accumulation areas to be at or near the point of generation and under the control of the operator in the area generating the waste.	The facility accumulates spent mercury-containing fluorescent bulbs as hazardous waste in seven satellite accumulation areas. These accumulation areas do not meet the definition of satellite accumulation because they are not at or near the point of generation and they are not in control of the operator in the area generating the waste.	The facility changed its Hazardous Waste Program to manage the bulbs as universal waste, not hazardous waste. The facility revised its training program accordingly.	8/25/04	10/24/04	10/20/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
7	40 C.F.R. § 262.34(c); 30 T.A.C. § 335.69	State and federal regulations require hazardous wastes accumulated in satellite accumulation areas to be limited to 55 gallons of hazardous waste or one quart of acutely hazardous waste.	The following deficiencies were observed regarding hazardous waste satellite accumulation areas: (1) The facility has accumulated three 30-gallon containers of TR-12, used PTMEG process filters, and one 55-gallon container of hazardous waste (which could not be identified because the label was illegible) on the wash pad in PTMEG, exceeding the maximum quantity of waste allowable in a satellite area; and (2) The container accumulating waste material from the puncturing of aerosol cans is not labeled properly. It is not marked with the words Hazardous Waste nor with words that identify the contents of the container. Note: The drum accumulating waste material from the puncturing of aerosol cans can be considered part of the aerosol can recycling process and therefore exempt from labeling requirements. This material would become hazardous waste when the drum became full. Or, the drum may be considered satellite accumulation and subject to labeling and other hazardous waste container handling regulations.	(1) The wastes on the wash pad were relabeled and moved to a proper storage location. Affected personnel were trained on a new drum management program. (2) The aerosol can puncture device was removed from service. The facility has a new procedure for aerosols to collect unpunctured spent aerosol cans in a 38 gallon drum. The drum that contains previously drained aerosol container drips has been labeled hazardous waste.	8/25/04	10/24/04	1. 10/13/04 2. 10/6/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
8	30 T.A.C. § 335.112(a)(8) (adopting by reference 40 C.F.R. Part 265, Subpart I – Use and Management of Containers); 40 C.F.R. §§ 265.171 and 265.173	Facilities that accumulate and store hazardous waste must comply with federal regulations 40 CFR 265 Subpart I, Use and Management of Containers related to the condition of the containers, the compatibility of the materials in the containers and the management of the containers.	The following deficiencies were observed regarding management of such containers: (1) Two drums accumulating TR-12 waste on the PTMEG wash pad appeared too have been over pressured – the lids were misshaped and cracked, exposing the contents to the atmosphere; (2) These same containers had waste material spilled on the outside of the drums; (3) A 5-gallon container located on the TR-7 truck loading pad labeled hazardous waste was observed open and not in use; (4) A 2-gallon container accumulating TR-4 waste in the QC lab was open when not adding waste; and (5) The cardboard box accumulating used fluorescent bulbs in the THF Office Building was broken and open.	(1) The lids were replaced. A new lid style is now being used. (2) Spilled material was cleaned off the outside of the drums. (3) A new pail with a lid was commissioned for the TR-7 location, so it can be closed when not in use. (4) The 2 gallon can was closed, and a sign was placed on it warning operators not to leave it open. The procedure was changed to reinforce this point. (5) The cardboard box was repaired.	8/25/04	10/24/04	9/30/04	B,F
9	30 T.A.C. § 335.112(a)(3) (adopting by reference 40 C.F.R. Part 265, Subpart D Contingency Plan and Emergency Procedures, except 40 C.F.R. § 265.56(d)); 40 C.F.R. § 265.52(d)	State and federal regulations require Large Quantity Generators of hazardous waste to have a contingency plan and emergency procedures.	The following deficiencies were found in the facility's contingency plan: (1) The plan has not been reviewed since 2002 and does not reflect the change in ownership; (2) An emergency coordinator, responsible for coordinating all emergency response measures, has not been clearly identified (the manual refers to the Ag Team Leader); and (3) The manual does not list the names, addresses and phone numbers for all personnel qualified to act as emergency coordinator.	The Contingency Plan was revised to address the cited deficiencies.	8/25/04	10/24/04	10/22/04	A,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
10	30 T.A.C. § 335.112(a)(9) (adopting by reference 40 C.F.R. Part 265, Subpart J – Tank Systems); 40 C.F.R. § 265.195(c)	Federal regulations require that tank systems containing hazardous waste be inspected daily to detect releases of waste. These systems include piping from the tank to the point of shipment for disposal.	The facility does not have documentation showing that it is inspecting the line from the "24-hour" tank to the tank truck loading or to the rail car loading areas.	The facility was conducting the inspections and, although not required, has changed its procedure so that the reading sheet now includes specific reference to this line.	8/25/04	10/24/04	10/8/04	E
11	30 T.A.C. § 335.112(a)(1) (adopting by reference 40 C.F.R. Part 265, Subpart B – General Facility Standards); 40 C.F.R. § 265.16	Federal regulations require certain information associated with hazardous waste training be documented and maintained at the facility.	The facility could not demonstrate that all information required in the "Training Matrix" is being properly maintained. The missing information includes a written job description with requisite skills, education, and other qualifications for all personnel relating to hazardous waste management, as demonstrated by the following deficiencies: (1) Shipping Clerk – Job description adequate, but training requirements inadequate; and (2) Lab Technician – No mention of hazardous waste duties or training requirements.	(1) The facility revised the format of the Training Matrix and updated the Job Descriptions to address the cited deficiencies. (2) Upon INVISTA's ownership, the facility no longer had a job classification of lab technician and instead has used operators to perform such duties. Therefore, a separate training regime is not required because the existing training for operators is sufficient to address their lab duties.	8/31/04	1. 10/30/04 2. N/A	1. 10/13/04 2. N/A	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
12	30 T.A.C. § 335.70(a); 30 T.A.C. § 335.62; 40 C.F.R. § 262.40(c); 40 C.F.R. § 262.11	State and federal regulations require facilities that generate solid waste to determine if the waste is hazardous.	The following waste streams were observed at the Facility, and for which hazardous waste classification status was not available: (1) A solid waste stream of residual material from aerosol cans after puncturing the cans; and (2) The Safety Kleen parts washer near the THF maintenance area has been taken out of service and is awaiting disposition – residual solvent may still be present in the drum.	(1) The facility completed the research on the waste and set up the characterization in the STEERS program. Please note that this relates to historic practices because the facility has ceased puncturing aerosol cans. (2) The facility characterized the residue in the parts washer and properly disposed of it on September 13th. This parts washer was returned to DuPont on September 16th.	8/25/04	10/24/04	1. 10/22/04 2. 9/13/04	B,F
13	30 T.A.C. § 335.69(d); 40 C.F.R. § 262.34(c)(1)	Federal regulations require satellite accumulation areas (SAA) to be at or near the point of generation and under the control of the operator generating the waste. The regulations also prevent the transfer of waste from one satellite container to another satellite container. The EPA interprets the SAA provisions to be available only once.	The PTMEG laboratory personnel transfer the material from two satellite containers in the lab into a 55-gallon satellite container located on the wash pad in PTMEG, which is being treated as a satellite area.	The facility changed the procedure in the lab to ensure the solvents stored in satellite accumulation areas are sent to a 90 day storage area.	8/30/04	10/29/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
14	30 T.A.C. § 335.6.	State regulations require facilities that generate solid waste without a permit to notify the TCEQ of all waste streams no later than 90 days after the waste's initial generation and prior to handling, shipment, or disposal. The notification is made electronically to the TCEQ through the State of Texas Environmental Electronic Reporting System (STEERS), and the information submitted to the state is used to create a Notice of Registration (NOR).	The facility has not submitted information regarding the waste stream created from the puncturing of aerosol cans.	The facility completed the research on the waste and submitted the characterization in the STEERS program.	8/25/04	10/24/04	10/22/04	D,F
15	30 T.A.C. §§ 335.503(b) and 335.10(b)(22)	State regulations require facilities that generate solid waste to provide an eight-digit code number for each waste stream and register the streams with the state. This code number will include a four-digit waste sequence number assigned by the generator. Texas also requires this waste code number to be on the Hazardous Waste Manifest forms.	A discrepancy exists between the waste code number for the TR-7 waste stream in the facility's Notice of Registration (NOR) and on the Hazardous Waste Manifests (NOR – 0912219H, Manifest – 0902219H).	The facility corrected the waste code discrepancy in the computer program so that all future manifests will identify the correct code that matches the NOR. As to any manifest bearing an incorrect waste code identifier, documentation was placed in the file indicating the correct code.	8/30/04	10/29/04	9/30/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
16	40 C.F.R. § 707.60	TSCA requires any person who exports or intends to export a chemical substance or mixture to notify the EPA of such exportation to each Country. The notice must be for the first export or intended export to a particular country.	The Facility intended to export or exported THF (Tetrahydrofuran) to the Netherlands on June 1, 2004; to India on June 16, 2004; to Canada on June 17, 2004; to Korea on July 7, 2004; and to Japan on May 28, 2004 without submitting an export notification to the EPA.	The facility designated and trained two plant TSCA export coordinators to assure that product samples receive proper export notification if they are sent to countries not already notified.	8/25/04	10/24/04	1. 10/8/04 2. 8/27/04	C,F
17	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. §§ 63.144(b) and (c)	Federal regulations require specific records be maintained that demonstrate Group 2 status for wastewater streams regulated by the Hazardous Organic NESHAP (HON).	The facility has designated all wastewater streams in THF, a HON unit, as Group 2 wastewater streams. Documentation of the Group 2 status is deficient as follows: (1) Documentation does not show whether or not sampling was properly conducted (e.g., minimizing VOC loss during sampling); (2) Documentation does not adequately show the basis of process knowledge; (3) Sampling for several sources involved only one sample, when three samples were required; (4) Documentation does not indicate the source of the flow data (measured, estimated, etc.); and (5) Documentation does not adequately indicate if each wastewater stream was characterized at the point of determination.	The Group 2 determinations were made prior to INVISTA's ownership. The facility has undertaken a review of the determinations by conducting a three phased approach. Based on the results from first two quarterly sampling events, limited additional sampling was conducted for sources where there was variation in the results. Upon receiving and evaluating the the results from these additional sampling events, the facility has determined that it has collected enough data to establish Group 2 status and thus preparation of a compliance plan is not necessary.	8/25/04	10/24/04 Extension requested until 8/31/05 to complete Phases per letter dated 10/22/04 (and request for clarification by letter dated 3/23/05)	Phase I: completed 12/1/04 Phase II: completed 8/25/05 Phase III: not necessary based on Phase II results	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
18	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 C.F.R. § 63.152(c)	Federal regulations require submittal of semi-annual reports for sources subject to the HON.	The HON report for Sep 19, 2003 – Mar 19, 2004, due May 18, 2004, was submitted on May 20, 2004.	The facility previously utilized a mailing service that temporarily misplaced the report and sent it via overnight courier after the deadline. The facility no longer uses this service and will mail reports itself.	8/25/04	10/24/04	9/17/04	C
19	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(b)(3), (5)	Federal regulations applicable to HON units require sampling of recirculating cooling water systems and calculation of the average entrance and exit concentrations, accounting for any introduction of make-up water or any evaporative losses.	The following deficiency was noted regarding the cooling tower sampling for THF: The facility did not calculate the average entrance and exit concentrations for sampling events in the 2nd quarter of 2004.	Calculation of the inlet and outlet average concentrations was performed for the referenced test results. The facility will show calculations going forward.	8/25/04	10/24/04	9/5/04	B,F
20	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic HAPs for Equipment Leaks); 40 C.F.R. § 63.181(c)	Federal regulations require the facility to maintain reports of weekly visual inspection of pumps in light liquid service that are part of a facility subject to Subparts F, G and H (HON MACT) and PPP (Polyols MACT) for two years.	The following deficiency was noted regarding the visual inspection of 38 THF pumps and 10 PTMEG pumps: The facility relies on daily checklists to document inspection of the pumps, but not all THF checklists are maintained for a minimum of 2 years.	The facility trained operations personnel responsible for keeping records that the field checklists for leak checking must be kept for two years.	8/31/04	10/30/04	10/9/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
21	40 C.F.R. § 63.132(g)	Federal regulations require facilities that transfer a HON/Polyols Group 1 waste stream off-site for treatment to notify the transferee that the waste stream must be treated in accordance with the HON requirements.	The facility has been discharging a Group 1 waste stream to DuPont for treatment in DuPont's wastewater treatment plan since May 1, 2004. While DuPont may be aware of this waste stream, documentation is not available to demonstrate that this notification has been made. Transfer of the waste stream is not allowed until notification has been made to the transferee and the transferee has submitted a notification to EPA certifying that it will manage and treat the waste stream in accordance with the HON requirements.	The facility obtained a letter from DuPont confirming that it is accepting the treatment responsibilities.	9/1/04	10/31/04	9/13/04	C
22	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.168(i)(3) and 63.181(b)(7)(ii)	Federal regulations allow for a facility subject to leak detection and repair (LDAR) requirements under the HON and Polyols MACT standards to designate valves as difficult to monitor (DTM), allowing for reduced monitoring frequency, provided certain conditions are met.	The following deficiencies were noted regarding the DTM designations in the THF and PTMEG process units: (1) The facility does not have a written plan for monitoring the valves at least once per calendar year; and (2) The facility has a list of DTMs, but the list does not include the reason each piece is designated as DTM, and the planned schedule for monitoring each piece of equipment.	The facility has modified its DTM list to specifically include a plan to monitor the DTMs at least once per year and provide the reason each piece is designated DTM.	9/1/04	10/31/04	9/7/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
23	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.10(b)(3)	Federal regulations require signed documentation of applicability determination for MACT standards that do not apply based on potential to emit limitations or exclusions.	The facility falls into the Organic Liquids Distribution (Subpart EEEE) and Miscellaneous Organic NESHAP (Subpart FFFF) source categories, but has determined that it is exempt from both subparts based on the fact that all potentially subject equipment is regulated by either the HON or Polyols MACT standard. The facility has not created a signed document that details the applicability analysis for Subparts EEEE and FFFF.	The facility prepared the required documentation.	9/1/04	10/31/04	10/31/04	D,F
24	40 C.F.R. §§ 60.665(l) and 60.705(l)	Federal regulations regarding New Source Performance Standards require the submittal of Periodic Reports every 6 months from the start-up date of each unit subject to a NSPS standard.	The facility currently submits semi-annual Periodic Reports for reactors (RRR) and distillation columns (NNN) in the THF and PTMEG units. The following deficiencies with the semi-annual reports were noted: (1) The August 2004 report covers February – July 2004, while the February 2004 report covers July 19, 2003 – January 19, 2004, thus omitting 12 days from reporting (January 20-31, 2004); and (2) The actual due date of the reports is unknown, and there is no documentation that alignment of NSPS submittal dates was approved. Therefore, timely submittal cannot be determined.	(1) The facility submitted a corrected report to TCEQ on 10/29/04, although it covers a time period during which INVISTA did not own or operate the facility. (2) The facility has and continues to submit semi-annual reports w/in 30 days of the prior six month reporting period. Thus, there is no violation.	8/30/04	10/29/04	1. 10/29/04 2. N/A	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
25	40 C.F.R. §§ 60.704, 60.705(f), and 60.8	Federal regulations require facilities to comply with Subpart RRR standards for reactors constructed or modified after June 29, 1990, including initial performance testing and continuous monitoring.	The Step II reactors, which vent to the degasser, are Subpart RRR sources. The facility opted to comply with the Subpart RRR standard by maintaining a TRE value greater than 1.0. This option requires installation of a temperature monitor and recorder that continuously records the vent condenser exit temperature of the vent gas stream, and recording of all 3-hour temperature values in which the temperature rises greater than 11 deg. F above the temperature established in the performance test. The following deficiencies regarding compliance with Subpart RRR were noted: (1) An initial performance test establishing an acceptable exit temperature range for the vent gas stream has not been conducted; and (2) The facility does not track 3-hour average exit temperature values.	The facility determined that this finding is in error because the Step II reactors were constructed prior to the NSPS trigger date and have not been subsequently modified or reconstructed.	9/1/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
26	40 C.F.R. 68.79	Federal regulations require the facility to conduct a compliance audit that verifies the facility's compliance with the RMP Program 3 Prevention Program requirements, and to certify that compliance has been evaluated.	The facility last completed an audit of the Step 1 process in 2002. The following deficiencies were noted: (1) Written certification that compliance with all elements of the Program 3 Prevention Program was verified in 2002 was not found; and (2) The audit appears to focus on review of the Process Hazard Assessment, which is just one of twelve elements of a Program 3 Prevention Program. (3) The recently submitted RMP did not contain a date for the most recently conducted compliance audit. The date of this audit was listed in the RMP as the date of the most recent PHA.	(1) This finding relates to a DuPont Certification requirement prior to INVISTA's ownership. The facility conducted a PSM audit in the first quarter of 2005. (2) The facility has obtained from DuPont a response identifying the PSM audit in 2002 as the RMP audit in compliance with all elements of the Program 3 Prevention Program. (3) The facility re-submitted the RMP with the corrected information to include the dates of the audit.	9/1/04	1. N/A 2. 10/31/04 3. 10/31/04	1. N/A 2. 10/4/04 3. 10/31/04	1. E 2.E 3. D,F
27	30 T.A.C. § 101.10	State air regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed the Emissions from device TR-30 – Filter Aid Addition – were incorrectly categorized as VOC emissions instead of PM10 emissions.	This finding applies to a period of time prior to INVISTA's ownership. However, INVISTA submitted the emissions inventory at issue because it was the operator at the time the emissions inventory was due. The facility recalculated the emissions and prepared a revised emissions inventory. The facility sought an extension to allow for other emission inventory modifications to be consolidated into one submittal to TCEQ. The facility re-submitted its 2003 annual emissions inventory on 10/31/04.	8/26/04	10/25/04 Extension requested to 11/30/04 per letter dated 10/22/04	10/31/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
28	30 T.A.C. § 101.10(e)	The Emissions Inventory shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by the commission. The commission gave the facility an extension until August 25, 2004, due to the change of ownership issues.	The annual emission inventory report was due to be submitted by August 25, 2004. The report was postmarked on August 25, 2004 and submitted to the TCEQ on August 26, 2004.	The facility personnel indicated that they contacted the TCEQ on August 25, 2004 and were told that a postmark was acceptable. The facility has changed is procedure to ensure this report is received by the clerk by the deadline.	8/26/04	10/25/04	10/21/04	E
29	30 T.A.C. § 101.10	State regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	The following deficiencies and/or discrepancies were noted regarding emission reporting for the THF manufacturing process: (1) PM10 Emissions for cooling towers (TF-29) was incorrectly calculated low (0.001 tpy rather than 2.5 tpy) due to the incorrect use of the AP-42 emission factors; and (2) PM10 emissions from the off-gas flare were quantified as 0.00 tpy without reference to any emission factor, rather than calculating emissions utilizing, at a minimum, PM10 emission factors for combustion of natural gas.	The facility revised the emissions inventory to correct the PM10 calculations.	8/30/04	10/29/04 Extension requested to 11/30/04 per letter dated 10/22/04	10/31/04	1. D,F 2. E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
30	40 C.F.R. 82.156(i)	For industrial process refrigeration equipment where the annualized leak rate exceeds 35%, federal regulations require initial verification tests be conducted upon completion of repairs and follow-up verification tests be conducted within 30 days of completion of repairs.	The facility did not meet the requirements for demonstrating compliance with leak rates and for conducting initial and follow-up verification tests as demonstrated by the following examples: (1) Leak rate calculations are not documented for the THF BDO, THF BDO Chiller, or THF Comfort Cooling units; (2) Upon review of the PTMEG records, it appears that the facility is not basing their leak rate calculation on the correct number of days between charging. For example, the entry for April 23, 2003 shows 104 days since the last refrigeration charge; the entry should have been 23 days. It appears the facility is erroneously classifying refrigerant charging events as "repair-based" versus "topping off". The facility has not (and likely cannot) definitively documented that a unit has not leaked between the time frame that a repair based charge occurs and a topping-off charge occurs, and therefore must count the most recent charging event when calculating leak rates. The facility's method causes the calculated leak rates to be artificially low.	These events pre date INVISTA ownership but INVISTA has modified the facility's procedures. Nonetheless, the facility assigned a new Contract Coordinator to be responsible for overseeing each entry made in the Refrigeration notebooks. While monthly visual inspections were being conducted, they were not typically recorded. They now will be entered into the notebook overseen by the Contract Coordinator to track the 30 day follow up testing requirements. No follow-up verification test is required for the THF Comfort Cooling units because this requirement is not applicable to comfort cooling units.	8/31/04	10/30/04	10/11/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
31	30 T.A.C. § 116.110(a)	State regulations require facilities to obtain NSR permits or permits by rule for all sources of air contaminants that are not specifically exempted.	The following deficiencies were noted regard NSR/PBR permitting: (1) The facility did not satisfy the requirements for a PBR or include the source in the NSR Permit No. 2925, for hydroxlamine emissions from the Step II catalyst degassing process; and (2) Based upon review of file notes/records, the facility did not obtain a PBR or NSR Permit modification for a "16%" BDO production increase in July 1995.	(1) The facility will include these maintenance-related emissions under its existing PBR 106.263 and update its emissions inventory along with the other emissions inventory revisions. (2) The facility determined that no violation exists because PBRs executed under 106.261 prior to December 24, 1998 did not need to be registered with the TCEQ.	9/1/04	1. 10/31/04 2. N/A	1. 10/31/04 2. N/A	1. A,F 2. E
32	30 T.A.C. §§ 111.143 and 122.132	State regulations require facilities to include all applicable requirements in Title V and NSR permit applications.	The THF unit's Title V permit application and Draft Permit indicate that 30 TAC 111.143 (allowable emission limits for material handling) is not an applicable requirement. The following regulated PM sources exist within the THF operations: THF cooling tower, BHT handling, spend catalyst handling, and the THF flare.	The facility determined that this finding is in error as 30 T.A.C. § 111.143 is not applicable to the La Porte Plant. 30 T.A.C. § 111.141 provides that "§ 111.143 . . . shall apply to the following areas: the City of El Paso, including the Fort Bliss Military Reservation except for . . . ; that portion of Harris County inside the loop formed by Beltway 8; and that area of Nueces County . . ." Although the La Porte plant is located in Harris County, it is not located inside the loop formed by Beltway 8. Therefore, the La Porte Plant is not located in any of the areas to which § 111.143 applies.	9/1/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
33	30 T.A.C. § 116.116(b)(1)(A); TCEQ Air Permit No. 2925	State regulations require a facility to amend a permit whenever the permit varies from any representation that would cause a change in the method of control of emissions; a change in the character of the emissions; or an increase in the emission rate of any air contaminant.	Emission estimates for permitting and reporting are based upon vent condensers functioning as control devices. Based upon interviews conducted, vent condensers are not an integral part of the process operation and were originally installed for emission control; however the facility now relies on scrubbers for emission control. The permit has not been amended to reflect this change in emission controls.	This finding is in error because, upon further review, it was confirmed that the facility has and continues to rely on both the condensers and scrubbers for emissions control as stated in the permit.	9/1/04	N/A	N/A	E
34	40 C.F.R. §§ 68.160(b)(11), 65.175(k) and 68.180(c)	Federal regulations require the submittal of a complete RMP every 5 years, including listing other Federal or state emergency plan requirements to which the source is subject.	The facility recently submitted an updated RMP on June 18, 2004. On July 30, 2004, the facility received a Notification Letter from EPA that the RMP is incomplete. Specifically, the letter stated the Horizontal Accuracy Measure field was not completed. The facility has not resubmitted a corrected RMP. In addition, the following deficiencies were noted in review of the RMP during the audit: (1) The RMP does not state whether or not the facility is subject to 40 CFR Part 355; (2) The RMP does not include the date of the most recent compliance audit; and (3) The RMP states that the facility is not subject to the emergency planning requirements of RCRA when, in fact the facility is subject to the RCRA contingency plan requirements.	(1) Item one is an incorrect finding because the form cites to EPCRA §302, under which 40 C.F.R. §355 is promulgated and therefore is included. (2) The facility submitted a revised RMP by 10/31. (3) The facility submitted a revised RMP by 10/31 that states that it is subject to RCRA Contingency Plan requirements.	9/1/04	1. N/A 2. 10/31/04 3. 10/31/04	1. N/A 2. 10/31/04 3. 10/31/04	1. E 2. C 3. C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
35	TCEQ Air Permit No. 2925, Special Condition No. 8.A.	NSR Permit No. 2925 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg. F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.	The facility does not maintain a list of this equipment in the THF process area.	The facility prepared the list of equipment and maintains that list on site.	9/1/04	10/31/04 Extension requested to 1/05/05 per letter dated 10/22/04	1/5/05	D,F
35.1	TCEQ Air Permit No. 28315, Special Condition No. 8.A.	NSR Permit No. 28315 requires the facility to maintain a list of the following equipment: 1) equipment that does not contain VOC with an aggregate partial pressure or vapor pressure of at least 0.044 at 68 deg. F, and 2) equipment with operating pressures at least 0.725 psi below ambient pressure.	The facility does not maintain a list of this equipment in the PTMEG process area.	The facility prepared the list of equipment and maintains that list on site.	10/20	12/19/04 Extension requested to 1/05/05 per letter dated 10/22/04	1/5/05	D,F
36	TCEQ Air Permit No. 28315, Condition 6; 30 T.A.C. § 116.115 (b)(1)(D)	The permit holder shall demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the Executive Director prior to their use in fulfilling any requirements of the permit.	Original PTMEG permit calculations were based on an assumption of a 98% VOC destruction efficiency from the flare. These calculations were revised and allowable emissions reduced by changing this assumption to a flare with 99% destruction efficiency. Agency personnel are believed to have authorized the change in 1996, but documentation to that effect could not be located during the time of this audit. All emission calculations and compliance determinations with annual emission limits are based on the 99% assumption.	The facility located the documentation from TCEQ approving the flare efficiency change to 99% dated March 3, 1995 and filed it in its permit file.	8/26/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
37	TCEQ Air Permit No. 2925, Special Condition No. 9.D	The Plant shall operate at maximum production rates during stack emissions. Primary operating parameters that enable determination of production rate shall be monitoring and recorded during the stack test.	The following deficiencies and/or discrepancies were noted regarding source testing of the TF-02C (TF-05) and TF-10C (TF-08) scrubbers: (1) Records were not sufficient to demonstrate that source tests conducted on both scrubbers in March 1995 were conducted at maximum production as required by permit conditions; and (2) The scrubbers were not retested following a 16.7% production increase in July 1995. Observation: Information reviewed indicates that the increased flow rate to the TF-02C scrubber was not reflected in the renewal application for the THF NSR Air Permit No. 2925.	(1) The facility determined that this finding is in error because the permit does not automatically require retesting of the scrubbers, but rather, gives TCEQ the discretion to request an additional test or impose limits consistent with the original test, neither of which have occurred. The original tests for TF-02C and TF-10C were observed by Mr. Michael Beauchamp of TNRCC on March 14th and 15th, 1995, respectively. (2) As noted in the prior finding, the production increase was authorized under PBR 106.261 and the facility permit condition does not require retesting unless requested by the TCEQ. Thus, no violation exists.	9/1/04	1. N/A 2. N/A	1. N/A 2. N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
38	30 T.A.C. Chapter 290, Subchapters D and F	State regulations require Public Water Systems to comply with the safe drinking water standards including monitoring and reporting requirements.	The facility reported there are point-of-use treatment devices that are used on fountains or sinks, and the facility operates a water distribution system. The facility meets the definition of a non-community, non-transient, public water system (point-of-use treatment devices and distribution system) and does not comply with the requirements of the state's drinking water standards to implement a drinking water program. Requirements for a drinking water program include, but are not limited to, elements such as the following: (1) Monitoring of inorganic, organic, and microbial contaminants, total organic carbon, disinfection byproducts, lead & copper, secondary constituents; (2) Monitoring of disinfectant system performance; and (3) Maintenance of a chemical microbial monitoring plan.	INVISTA sought an extension for this finding. While INVISTA does not believe it is subject to the requirements because it does not meet the definition of a water treatment or distribution system, per INVISTA's request, DuPont modified the Service Level Agreement (SLA) on 10/25/04 to ensure that the water supplier and water user have formally agreed to meet all requirements for a facility to be exempt from regulation as a PWS.	8/26/04	10/25/04	10/25/04	C

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
39	30 T.A.C. §§ 285.36 and 285.39	State On-Site Sewage Disposal Facility (OSSF) regulations specify that sewage holding tanks must be properly maintained, and abandoned upon cessation of use.	The facility has six septic tanks that are currently connected to DuPont's sanitary sewage pipeline. These tanks were presumably part of an On-Site Septic Disposal Facility, which was previously abandoned. The tanks were not properly abandoned (removed from service, emptied, and filled to ground level) or are not being properly maintained. INVISTA personnel indicated that there have been instances in the past where the tanks have overflowed due to a buildup of solids, and caused the ground around the tanks to become soggy.	Upon further review, the facility determined that the tanks are not and were not abandoned because they have continued to be used for conveying wastewater. Furthermore they are not subject to 30 T.A.C. §285 closure/abandonment or maintenance requirements because they are no longer part of an on-site sewage disposal facility and are now part of the sanitary waste water collection flow to DuPont's TCEQ regulated treatment system. Therefore, the finding is in error and no corrective action is required.	8/26/04	N/A	N/A	E
40	Tex. Water Code § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	State regulations require TDPES permitting of discharges to waters of the state, which includes groundwater, percolating or otherwise, in the State of Texas.	The facility discharges cooling tower wastewater and process steam condensate to the ground without a TPDES permit.	(1) To address waste water deficiencies, the facility repaired the leaks on the line from cooling tower and eliminated the splashing-related discharges from the cooling tower basin. To address the steam condensate deficiencies, the facility re-routed the steam traps to acceptable discharge locations. (2) The SWPPP was updated to mention the need to assure no leaks from cooling towers to the ground.	8/31/04	10/30/04	1. 9/15/04 2. 10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
41	TPDES General Permit No. TXR050000, Part II, Section C.3	A storm water pollution prevention plan must be developed according to the requirements of this permit before an NOI for permit coverage is submitted. The plan must be developed according to the requirements of Part III of this general permit, include all sector-specific requirements of Part V, and be signed according to requirements of Part III.E.3.(g) of this general permit.	Coverage under the Texas General Permit for storm water discharges associated with industrial activities requires the development and implementation of a Storm Water Pollution Prevention Plan (SWP3). The facility submitted a Notice of Intent for coverage under this permit. The facility's SWP3 and implementation has numerous deficiencies.	The facility revised its SWPPP to address the deficiencies.	9/1/04	10/31/04	10/31/04	A,F
42	40 C.F.R. 61.357	Federal regulations require chemical manufacturing plants to determine the total annual benzene (TAB) for all waste streams that are greater than 10% water, and submit an updated TAB report on an annual basis.	The facility discovered benzene in the methanol column overhead stream of the THF unit that is estimated to give the facility a TAB of between 1 and 10 Mg/yr, requiring an initial and annual TAB report. The initial TAB report has not been submitted.[A] Observation - Records were not sufficient to demonstrate that the facility submitted the initial report, due April 7, 1993. Note: During the audit, data from 1997 was reviewed that indicated benzene content in the Azeo bottom waste stream. This has not been included in the facility's recent work regarding the TAB.	The initial notification requirement applied to the former owner in 1993. The facility undertook sampling to confirm the facility's TAB. As noted in the 11/9/04 and 12/15/04 letters, INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. On 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	7/6/04	Extended to 4/15/05	4/7/05	E

A. This finding arose as part of the implementation of the Compliance Assurance Management System ("CAMS") and was provided to the auditor during the audit

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
			POTENIAL EXCEPTIONS					
1	Federal Insecticide, Fungicide and Rodenticide Act § 12(a)(2)(g), 7 U.S.C. § 136j(a)(2)(g); TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 355.4	According to label instructions, the effluent from rinsing a ChemTreat C-2188 container cannot be discharged to lakes, ponds, rivers, or other waters of the state without coverage under a NPDES permit. If the effluent is to be discharged to a sewer system, the operator of that sewer system must be notified of the pesticide discharge.	The containers are being rinsed at the PTMEG wash down pad, which discharges to DuPont's treatment system. DuPont must be notified of the pesticide effluent in the waste water from the wash down pad. Also, empty containers of C-2188 are placed on the concrete pad at the PTMEG cooling tower treatment tanks. The drain from this pad flows to the clean water ditch, if not diverted to the wastewater treatment system. If precipitation occurs while an open C-2188 container is stored within this pad area, the effluent may flow to the clean water ditch. DuPont holds the NPDES storm water discharge permit, and must be notified of the pesticide effluent discharge so that it is addressed in the permit.	Upon further review, the facility determined that this finding is in error. Pursuant to the SLA Agreement between INVISTA and DuPont, DuPont has agreed to accept wastewater from INVISTA provided that the wastewater streams (i) were being discharged at the time the agreement was entered into and (ii) do not contain constituents, concentrations or loadings different than the wastewater discharged prior to December 31, 2002. Because the ChemTreat C-2188 containers and the related wastewater streams existed prior to December 31, 2002, they are covered by the Agreement and additional notification to DuPont is not required.	8/25/04	N/A	N/A	E
2	40 C.F.R. § 70.2	Federal regulations require a Responsible Official to sign certain permits and compliance certifications.	Signature authority for the facility was delegated to the plant manager on April 28, 2004, for environmental programs, by Arteva Specialties S.à r.l. It is unclear whether or not this delegation of authority is valid now that the facility operates under the name INVISTA S.à r.l. Note: This issue is present across all topic areas, not just air permitting.	The facility determined that the delegation of authority is valid under Delaware and Texas corporate law.	8/25/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
3	30 T.A.C. § 116.115(b)(2)(F); TCEQ Air Permit No. 28315, Condition 8	The total emissions of air contaminants from any of the sources of emissions listed in the table entitled "Emission Sources – Maximum Allowable Emission Rates" shall not exceed the values stated on the table attached to the permit.	The facility does not document or evaluate hourly emissions to ensure compliance with the MAER table limits.	The facility assures compliance with the permit limits by a combination of administrative controls, such as established standard operating conditions, set at worst case conditions, interlocks, physical equipment limitations, and a group of monitored variables such as water flow to scrubbers so that compliance with permit conditions is conservatively achieved.	8/26/04	N/A	N/A	E
4	30 T.A.C. § 101.10	State regulations require that reported emissions must include annual routine emissions, excess emissions occurring during maintenance activities, including start ups and shut downs; and emissions resulting from upset conditions.	A review of the PTMEG unit devices in the 2003 annual emission inventory report revealed that CO emissions from the PTMEG flare may have been under-reported in the 2003 annual emission inventory report. 5.8 tons was reported (or 1.32 pounds per hour), while internal calculations used for permitting the flare indicate that total CO emissions from this equipment may be up to 21 pounds per hour.	The facility recalculated the 2003 CO emissions and determined that the actual emissions were not under reported.	8/26/04	N/A	N/A	E

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
5	30 T.A.C. §116.116 (b)(1)	Except as allowed, the permit holder shall not vary from any representation or permit condition without obtaining a permit amendment if the change will cause: (A) a change in the method of control of emissions; (B) a change in the character of the emissions; or (C) an increase in the emission rate of any air contaminant.	Since the original PTMEG NSR permit was issued in 1996, facility personnel have requested three permit amendments for production increases to the unit. The resulting increase in production has resulted in an increased use of filtering aid media (formerly Celite, now rice hull ash). The original permit application for this equipment indicated that 0.07 tons per year of Celite would be used. Facility personnel used approximately 150 tons of the rice hull ash in 2003. Potential PM emissions could increase with the additional unloading and storage of this material. Facility personnel indicated in their permit applications that there were no changes or increases of PM emissions from these permitting actions, and the replacement of diatomaceous earth (Celite) with rice hull ash as a filtering aid was not disclosed to the agency.	The facility reviewed the finding and concluded that the 0.137 ton increase in annual PM emissions is authorized by PBRs previously submitted by the facility. The consultant also clarified that, contrary to the audit finding, the 0.07 tons per year figure cited by the auditor is the PM emission rate, not the Celite usage rate.	8/26/04	N/A	N/A	E
6	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.181(f) and 63.165	Federal regulations require pressure relief valves be returned to non-leak status (below 500 ppm) within 5 days of return to service for pressure relief valves that vent to the atmosphere.	The THF process unit has pressure relief valves that vent to the atmosphere. Documentation was not available to demonstrate that the PRVs are monitored by Method 21 within 5 days of return to service.	The facility modified its procedures and conducted necessary training to make sure that both the federal 5-day monitoring and the State 24-hour testing requirements are met.	9/1/04	10/31/04	10/29/04	B,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
6.1	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 C.F.R. §§ 63.181(f) and 63.165	Federal regulations require pressure relief valves be returned to non-leak status (below 500 ppm) within 5 days of return to service for pressure relief valves that vent to the atmosphere. Federal regulations also require that records be kept of the dates and results of monitoring following a pressure release and that the facility report releases when they exceed certain amounts.	The facility does not have a system to track whether the THF process unit has a pressure release that vents to the atmosphere.	Upon further review, on 12/19/04, the facility determined that this is not an exception. The facility is able to monitor whether any non-exempt THF pressure relief valve vents to the atmosphere. Regulated components (those that are activated by a pressure of greater than 2.5 psig) are interlock protected, and the process is shut-down if a venting event occurs. Therefore, the facility is aware of venting events.	10/20/04	12/19/04	12/19/04	B,F
EXCEPTIONS SELF-IDENTIFIED TO THE AUDITOR ARISING OUT OF THE AUDIT								
1	30 T.A.C. § 116.110(a)	Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either obtain an air permit or permit by rule (PBR).	The following deficiency and/or discrepancy was noted regarding air permitting associated with the THF unit: The facility did not obtain an air permit or establish a PBR for load-out of material from the 24-hour tank, for which activities initiated in year 2002 and are ongoing.	The facility filed a PBR with TCEQ for the 24-hour tank on 8/31/04.	7/26/04	9/24/04	8/31/04	A,F
1.1	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While the facility substantively meets the PBR requirements, the facility's supporting documentation is incomplete for the following activities: (1) the addition of valves and flanges to the back of the THF process in April 1995; (2) the addition of an automatic bypass system on the hydrogenerator in circa 1999.	These issues arose prior to INVISTA's ownership of the facility. The facility updated its PBR documentation to demonstrate compliance.	10/22/04	12/21/04	12/21/04	D,F

Item	Regulatory Citation	Brief Description of Requirement	Deficiency	Corrective Action	Date Discovered	60-day Deadline	Date Corrected	Frequency/ Duration
2	30 T.A.C. §§ 106.261(a), 106.264(7) and 116.110	Before any actual work is begun on the facility, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants into the air of this state shall either obtain an air permit or permit by rule (PBR).	The following process change was exempted from permitting pursuant to various PBRs, but without the required agency notification: Facility personnel replaced four Busch Cobra Vacuum pumps in the PTMEG unit with new vacuum pumps.	This issue arose prior to INVISTA's ownership of the facility. The facility submitted the necessary PBR registration on 10/29/04.	8/26/04	10/25/04	10/29/04	D,F
2.1	30 T.A.C. § 106.8(c)	Owners or operators of facilities authorized under a PBR must retain records sufficient to demonstrate compliance with PBR requirements.	While the facility substantively meets the PBR requirements, the facility's supporting documentation is incomplete for the following activities: (1) the 1997 recovery and off-site shipment of PTMEA inventory; (2) the January 1998 increase as natural gas low to the PTMEG flare.	These issues arose prior to INVISTA's ownership of the facility. The facility updated its PBR documentation to demonstrate compliance.	10/22/04	12/21/04	12/21/04	D,F

INVISTA S.à r.l.
Focused Benzene NESHAP Audit
Voluntary Disclosures for La Porte, Texas
Final Quarterly Report -- January 31, 2006

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
1	40 C.F.R §§ 61.357(a) and (c)	This section of the rule requires the owner of each subject facility to submit an initial report to the Administrator within 90 days of 1/7/1993 summarizing the regulatory status of each waste stream subject to the rule and an annual report updating this information.	DuPont submitted an initial report in 1993 stating that no benzene is present, and therefore plant is not subject to rule. The report was either incorrect, or characteristics of feed streams changed since 1993. No records are available to indicate that the process or feeds have changed recently; therefore, the auditor's conclusion is that subject waste streams have existed either since the rule became effective or at least a year or more; therefore, the plant is deficient in the requirement to have filed initial and annual reports identifying the subject waste streams and the total annual benzene (TAB) in these streams.	The failure to file an initial report in 1993 is a past deficiency. The facility undertook sampling to confirm the facility's TAB. INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. The facility has completed this stream identification process and on 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	11/16/04	Extended to 4/15/05	4/7/05	A,F
2	40 C.F.R §§ 61.356(a), (b) and (c)	**Previously Identified in part (See TAB 3.A; No. 42).** Recordkeeping provisions of benzene waste NESHAP rule require facilities to maintain the following records for 2 years from date information is recorded: identify each waste stream and whether it is controlled for benzene, characteristics of each waste stream, information concerning turnaround wastes, and records of offsite waste shipment.	Total annual benzene (TAB) is less than 10 Mg/yr; therefore, the plant is exempt from control requirements of rule, including recordkeeping requirements related to control. The facility must only keep records identifying benzene waste streams and quantities, characteristics, and benzene quantity calculations for each stream. Four subject streams have been included in the TAB report to date, and records are available for these streams. A fifth stream, Azeo Column bottoms, needs to be added. The facility is testing other streams to confirm benzene is not present. If benzene is found in any streams, TAB records will require updating. Records should also include documentation identified in § 61.356(b)(5) for benzene in wastes from turnaround activities, but were not available.	The facility undertook sampling to confirm the facility's TAB. The facility will maintain records for 2 years, per the rule. As noted in the 12/15/04 letter, INVISTA originally sought an extension until 2/15/05 to complete the stream I.D. process and 4/15/05 to develop a compliance plan. The facility completed this stream identification process and on 4/07/05, the facility submitted the required annual TAB report. The TAB analysis and the submittal of the TAB report constitutes closure of this audit item.	11/16/04	Extended to 4/15/05	4/7/05	D,F

INVISTA S.à r.l.
Focused Emission Releases Audit
Voluntary Disclosures for La Porte, Texas
Final Quarterly Report -- January 31, 2006

Item	Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
Exception								
1	40 CFR § 268.7(a)(3)	Initial shipments of hazardous wastes that are subject to the land disposal restrictions must include proper Hazardous Waste Codes on land disposal restriction (LDR) notification forms.	The facility did not include the proper hazardous waste classification (DO18) on the LDR notification form accompanying a shipment of hazardous waste to a cement kiln.	The facility corrected the waste characterization form, manifest, land disposal form and STEERS waste profile and has communicated with disposers to assure complete communication of newly recognized toxicity characteristic.	11/17/04	1/16/05	12/29/04	D,F
Potential Exception								
1	30 TAC § 335.2 40 CFR § 264.1	A hazardous waste permit is required for surface impoundments that manage hazardous waste.	A process stream from the caustic treatment tank contains benzene concentrations between 1.4 and 50.4 mg/l. This stream is commingled with other process streams prior to discharging into a surface impoundment that is part of the facility's wastewater treatment system. Calculations provided by Invista indicate that the commingled stream contains an average benzene level of 0.28 mg/l but concentration variations may result in intermittent flows above the benzene toxicity characteristic (D018) of 0.5 mg/l. The facility does not have a hazardous waste permit for the surface impoundment. In addition, the RCRA land disposal restrictions would prohibit the impoundment from managing hazardous wastes.	Calculations indicated 0.28 ppm benzene based on annualized process water flows. The facility sampled the stream on 12/28/04. Sampling results showed that the influent to the pond is below the detection limit for benzene (0.1mg/l). Therefore, no hazardous waste permit is needed. On 1/16/05, the facility determined that this is not an exception.	11/17/04	1/16/05	01/16/05	E

INVISTA S.à r.l.
CAMS Findings
Voluntary Disclosures for La Porte, Texas
Final Quarterly Report -- January 31, 2006

Item	Regulatory Citation	Requirement Description	Deficiency	Corrective Action	Date Identified	60 Day Deadline	Date Corrected	Frequency/ Duration
			EXCEPTIONS					
1	40 C.F.R. §§ 60.7(a)(1) and (3), 60.705(a) and 60.705(l)(3)	Each owner or operator of a reactor process subject to § 60.702 shall notify the Administrator of the specific provisions of § 60.702 with which the owner or operator has elected to comply. Such notification must be submitted with the notification of initial start-up required by § 60.7(a)(3). Additionally, the owner or operator that seeks to comply with the requirements of 40 CFR Part 60, Subpart RRR by, pursuant to § 60.702(b), combusting the emissions from the reactor in a flare that meets the requirements of § 60.18 shall submit to the Administrator semiannual reports of all periods recorded under § 60.705(f) in which the pilot flame of the flare was absent.	The Poly Reactor may be subject to the requirements of 40 C.F.R. Subpart RRR but, historically, has not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.707. As a result, although TOC emissions from the reactor are controlled by a flare, the initial notifications required by §§ 60.7(a) and 60.705(a) were not provided for the Poly Reactor and it has not been addressed in the facility's Subpart RRR semiannual reports.	The Poly Reactor was included in the NSPS Subpart RRR semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether the Poly Reactor is in fact subject to NSPS Subpart RRR. TCEQ confirmed by letter dated 10/11/05 that the Poly Reactor is not subject to NSPS Subpart RRR.	1/24/05	3/25/05	2/18/05 (RRR); 10/11/05 (TCEQ concurrence that NSPS RRR does not apply)	E

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2	40 C.F.R. §§ 60.7(a)(1) and (3) and 60.705(l)(1) and (6)	Any owner or operator subject to NSPS shall furnish to the Administrator written notice of the date construction of an affected facility commenced and notification of the actual date of initial startup. Additionally, the owner or operator of a reactor that seeks to comply with the requirements of 40 CFR Part 60, Subpart RRR by, pursuant to § 60.702(c), maintaining a TRE value greater than 1.0 without the use of a VOC emission control device, shall submit to the Administrator semiannual reports of exceedances of monitored parameters recorded under § 60.705(g) and any recalculation of the TRE index value.	The RXDC may be subject to the requirements of 40 C.F.R. Subpart RRR but, historically, has not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.707. As a result, although the RXDC's TRE is greater than 8.0, the initial notifications required by § 60.7(a) were not provided for the RXDC and it has not been addressed in the facility's Subpart RRR semiannual reports.	The RXDC was included in the NSPS Subpart RRR semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether the RXDC is in fact subject to NSPS Subpart RRR. TCEQ confirmed by letter dated 10/11/05 that the RXDC is not subject to NSPS Subpart RRR.	1/24/05	3/25/05	2/18/05 (RRR); 10/11/05 (TCEQ concurrence that NSPS RRR does not apply)	E

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3	40 C.F.R. §§ 60.7(a)(1) and (3) and 60.665(l)(7)	Any owner or operator subject to NSPS shall furnish to the Administrator written notice of the date construction of an affected facility commenced and notification of the actual date of initial startup. Additionally, the owner or operator of a distillation column that seeks to comply with the requirements of 40 CFR Part 60, Subpart NNN by, pursuant to § 60.662(c), maintaining a TRE value greater than 1.0 without the use of a VOC emission control device, shall submit to the Administrator semiannual reports of any recalculation of the TRE index value.	The Methanol Stripper, AZEO Column, Methanol Flasher, Degass/Vac System, Evp Vac System, and RXDC may be subject to the requirements of 40 C.F.R. Subpart NNN but, historically, have not been viewed as subject based on the prior owner's conclusion that it is not part of a process unit that produces a chemical listed in § 60.667. As a result, although these distillation columns each have a TRE value greater than 8.0, the initial notifications required by § 60.7(a) were not provided and the distillation columns have not been addressed in the facility's Subpart NNN semiannual reports.	The Methanol Stripper, AZEO Column, Methanol Flasher, Degass/Vac System, Evp Vac System, and RXDC were included in the Subpart NNN semiannual report submitted on February 18, 2005. Additionally, the facility submitted an applicability determination request to TCEQ on 7/26/05 to confirm whether these distillation columns are in fact subject to NSPS Subpart NNN. TCEQ confirmed by letter dated 10/11/05 that these are not subject to NSPS Subpart NNN.	1/24/05	3/25/05	2/18/05 (NNN); 10/11/05 (TCEQ concurrence that NSPS NNN does not apply)	E
4	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	Materials resulting from cooling water system leaks have been discharged to the wastewater conveyance system.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	5/13/05 Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E

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5	30 T.A.C. §§ 116.110(a), 116.116(b)(1)	Any person who plans to construct any new facility or engage in the modification of an existing facility which may emit air contaminants into the air shall obtain a permit. A permit holder shall not vary from any representation without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of emissions, or an increase in the emission rate of any air contaminant.	As a result of the facility's ongoing review of its NSR permits, it has identified instances where information presented in permit applications by the prior owner (and thus authorized under the existing permits) does not accurately reflect facility operations. The facility's review of its NSR permits is ongoing and the facility may identify additional inconsistencies between the previously filed applications (and corresponding permits) and facility operations.	The facility is reviewing all of its NSR applications and permits. INVISTA plans to meet with TCEQ's Air Permits Division to develop a schedule to submit necessary permit amendments. Finally, to the extent that any noncompliance is associated with the permit application's failure to include routine startup and shutdown emissions, the facility has begun to and will continue to report startup and shutdown activities that are not covered by the permits as previously thought. The facility met with TCEQ on 12/20/05 and discussed a schedule to submit amendment applications for NSR permit Nos. 28315 and 2925 by 4/28/06 and 9/29/06, respectively.	9/19/05	11/18/05 Extension requested until permit issuance per letters dated 11/03/05 and 12/20/05.	Pending See Tab 18.A	B,F,D

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			POTENTIAL EXCEPTIONS					
PE1	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems)	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subparts J, AA, BB, and CC, except 40 C.F.R §§ 265.197(c) and 265.200, as adopted by reference under 30 T.A.C. § 335.112(a).	Maintenance drain tanks in the PTMEG area are not managed as hazardous waste tanks subject to RCRA regulation. At the time of the audit finding, it was unclear whether these tanks are process tanks or exempt as totally enclosed treatment facilities.	The facility has determined that these tanks are not subject to RCRA and submitted a regulatory applicability determination for concurrence on 10/14/05.	4/29/05	6/28/05 Extension requested until 10/15/05 per letter dated 8/29/05.	10/14/2005 See Tab 18.B	E
PE2	30 T.A.C. § 335.43(a) and §§ 335.112(a)(9), 335.152(a)(8) (adopting by reference 40 C.F.R. Parts 264 and 265, Subpart J - Tank Systems)	No person shall store, process, or dispose of hazardous waste without first having obtained a permit. A generator may accumulate hazardous waste on-site for 90 days without a permit if the waste is placed in tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265, Subparts J, AA, BB, and CC, except 40 C.F.R §§ 265.197(c) and 265.200, as adopted by reference under 30 T.A.C. § 335.112(a).	The tails mix tank in the THF area is not managed as a hazardous waste tank subject to RCRA regulation. At the time of the audit finding, it was unclear whether this tank is an elemental neutralization unit and therefore not subject to RCRA regulation.	The facility has determined that the tails mix tank is an elemental neutralization unit and therefore not subject to RCRA regulation. INVISTA sent a letter to EPA explaining this determination on 10/14/05.	7/13/05	9/11/05 Extension requested until 10/15/05 per letter dated 8/29/05.	10/14/2005 See Tab 18.B	E

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PE3	30 T.A.C. §§ 335.43(a), 335.41.(b) and (d)(1); 40 C.F.R. § 264.1(g)	No person shall store, process or dispose of hazardous waste without first having obtained a permit. A generator may neutralize waste in an elementary neutralization unit or a totally enclosed treatment facility prior to placing the non-hazardous waste in a surface impoundment, and thereby qualify for an exemption from the hazardous waste permit requirements.	The intermittent wastewater stream produced by a periodic catalyst process in the THF manufacturing unit has a high pH (> 12.5) at the point of generation within the process. This waste stream is neutralized with acid prior to discharge into the Inorganic Retention Basin (IRB) pond. Process knowledge is employed to determine the amount and timing of the addition of acid to the wastewater. The IRB pond was not in use at the time of this finding and is not scheduled for use again until August 2005.	The facility has reviewed the IRB process and has evaluated and implemented changes to the intermittent catalyst process and the acid neutralization step to provide greater assurance that wastewater discharges into the IRB are adequately neutralized prior to discharge. The facility has investigated and evaluated historical information about the use of the IRB and submitted correspondence to the Agencies on 10/31/05 summarizing its review.	4/29/05	6/28/05 Extension request to 10/31/05 for submission of regulatory applicability determination letter per letter dated 10/7/05.	10/31/2005 See Tab 18.B	E
PE3.1	30 T.A.C. §§ 335.43(a), 335.41.(b) and (d)(1); 40 C.F.R. § 264.1(g)	No person shall store, process or dispose of hazardous waste without first having obtained a permit. A generator may neutralize waste in an elementary neutralization unit or a totally enclosed treatment facility prior to placing the non-hazardous waste in a surface impoundment, and thereby qualify for an exemption from the hazardous waste permit requirements.	The IRB pond may have been historically used by the previous owner for the management of catalyst process wastewater that did not receive adequate neutralization prior to placement of the wastewater into the pond.	The facility has investigated and evaluated historical information about the use of the IRB and submitted correspondence to the Agencies on 10/31/05 summarizing its review.	7/6/05	9/4/2005 Extension request to 10/31/05 for submission of regulatory applicability determination letter (per letter dated 10/7/05).	10/31/2005 See Tab 18.B	E

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PE 4	30 T.A.C. §§ 335.503(a)(1), 335.504	Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.	The facility has not adequately determined that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	5/12/05	Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E
PE 5	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	The facility may not have identified the source of the wastewater flow for certain individual discharge points into the wood-lined conveyance system from facility operations.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	5/12/05	Extension request sought until 11/30/05 to develop long-term corrective measures.	9/30/05	E
PE6	Tex. Water Code § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4; 40 C.F.R. § 144.11	The State requires the permitting of discharges to waters of the state. Waters of the State includes groundwater in the State of Texas.	The facility identified on a portion of the leased property an apparent monitoring well or former sump location that may not have been properly abandoned. This well or sump has the potential for allowing a discharge to the groundwater.	The facility has confirmed that the physical features at issue are owned by the La Porte site owner, DuPont. Although no corrective action by INVISTA is required by this finding, the facility will notify the site owner of the existence of these physical features.	6/29/05	8/28/2005 Extension requested until 10/31/05 per letter dated 10/7/05.	10/26/05	E

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			POTENTIAL EXCEPTION					
1	30 TAC §§ 116.110(a)(1), 166.150(a)(1) and 116.150(a)(3)	Each proposed new major source or major modification is required to comply with Nonattainment New Source Review ("NNSR") requirements. These regulations may require permitting, installation of Lowest Achievable Emission Rate ("LAER"), and/or emission offsetting.	Prior to INVISTA's ownership, in 2000 the facility increased the permitted capacity of the PTMEG unit by 20%. This change resulted in an increase of emissions above the NNSR netting threshold.	Meet with regulatory authorities to discuss compliance issues, technical options and appropriate corrective measures, if any, to address any past violations; implement any selected corrective actions.	8/18/05	10/17/05 Subject to Extension Request to 2/28/07 to meet with regulators and develop appropriate resolution.	Pending See Tab 18.A	D,F

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N/A	N/A	N/A	No Exceptions Found	N/A	N/A	N/A	N/A

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			EXCEPTIONS					
1	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 CFR § 63.110(a), §§ 63.132 thru 63.138, § 63.144, § 63.146, § 63.147, and § 63.152(b)(1)	A wastewater stream at an existing source subject to Subpart PPP and containing at least 10,000 ppmw of organic HAP as defined in 63.1423 is identified as Group 1 and is subject to certain emission control, recordkeeping, and reporting requirements. The remainder of the wastewater streams are classified as Group 2 and are subject to recordkeeping and reporting requirements.	THF CMPU. The original HON wastewater notice of compliance status identified ten sources of wastewater (other than the incinerator, which was subsequently shut down), all of which were classified as Group 2 wastewater streams. The facility has undertaken a review to verify and update the sources of wastewater in the THF CMPU, and this review suggests that there may be more than 20 sources of wastewater. Previously unidentified wastewater sources, whether Group 1 or Group 2, would not have satisfied associated SOCMI HON recordkeeping and reporting requirements. The site has not completed its review to confirm whether any of the previously identified or newly identified streams are Group 1 and subject to SOCMI HON emission control requirements.	The facility completed the review of waste water streams for HON, identified applicable group determinations for each stream and reviewed the applicable controls and recordkeeping requirements of the streams and made sure they are adequately addressed in current systems.	2/23/05	4/24/05	4/22/05	D, F
2	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 CFR § 63.100 and § 63.105	SOCMI HON requires that owners or operators prepare a description of maintenance procedures for management of maintenance wastewaters.	THF CMPU. The facility does not have documented procedures to manage certain maintenance wastewater sources (e.g. heat exchangers in general, catalyst hold tanks, Step 2 Degasser, Step 2 Degasser Vent Scrubber, Acid Day Tank, High Boiler Column, Purge Column, Vent Collection Tank, and Storage Tanks in the Tank Farm).	The facility established procedures for management of wastewaters for all applicable sources.	2/23/2005	4/24/05	4/22/05	D, F

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3	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1420, § 63.1433, § 63.132 through § 63.147	A wastewater stream at an existing source subject to Subpart PPP and containing at least 10,000 ppmw of organic HAP as defined in 63.1423 is identified as Group 1 and is subject to certain emission control, recordkeeping, and reporting requirements. The remainder of the wastewater streams are classified as Group 2 and are subject to recordkeeping and reporting requirements.	PTMEG PMPU. The original Subpart PPP wastewater notice of compliance status identified one wastewater source, which was classified at the time as a Group 2 wastewater stream. The facility staff have recently identified a second source of wastewater in the PTMEG PMPU, but have not yet formally designated it as Group 1 or Group 2 and fulfilled associated requirements. The site staff currently expect the stream to be classified as a Group 2 wastewater stream that would only be subject to recordkeeping and reporting requirements rather than also being subject to emission control requirements.	The facillity performed a HON Group Determination for the referenced waste water stream and included documentation in the facility files.	2/23/2005	4/24/05	4/22/05	D, F
4	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R. Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.100, § 63.105, and § 63.1433(b)	Subpart PPP requires that owners or operators prepare a description of maintenance procedures for management of maintenance wastewaters.	PTMEG PMPU. The facility lacked documentation listing sources of maintenance wastewater and the associated specific procedures to manage the wastewater and control HAP emissions.	The facility developed a listing of the maintenance wastewater sources and procedures to minimize HAP emissions as applicable.	2/23/2005	4/24/05	4/22/05	D, F

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5	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1433(a), § 63.147(b)(4), § 63.146(a) and (f), and § 63.151(f)	Records of the alternate monitoring parameters for the treatment unit used to treat a Group 1 wastewater stream shall be kept in a readily accessible location.	PTMEG PMPU. The site proposed alternate monitoring parameters consisting of the BOD and TOC concentrations and limits established by the TPDES permit for the DuPont LaPorte biotreatment facility, which is used to treat the Group 1 wastewater stream from the PTMEG PMPU. The site did not have records of the actual BOD and TOC results for DuPont's biotreatment facility in a readily accessible location.	On 4/5/05 the facility concluded that this is not an exception. 40 C.F.R. § 63.147(b)(4) specifies that for alternative parameters that have been approved by the Administrator, "the owner or operator shall keep the records approved by the Administrator." DuPont is the holder of the permit. Although alternative parameters have been requested by DuPont, no such alternative monitoring parameters have been approved by EPA. Because EPA has not yet approved DuPont's proposed alternative monitoring parameters, INVISTA is not yet required to keep records of the alternative parameters. Notwithstanding, to assure compliance when and if the alternative parameters are approved by EPA, the facility has requested in writing that DuPont (1) provide the facility with copies of correspondence regarding the monitoring proposal, and (2) provide the facility with BOD and TOC data and limits established by the TPDES permit (and any other data necessary to demonstrate compliance with the proposed or approved monitoring plan).	2/24/2005	4/25/05	4/11/2005	E

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6	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 40 CFR § 63.1425(f), § 63.117(a)	The process vent reporting and recordkeeping provisions of the SOCMI HON, which are applicable by reference, require records to be kept documenting process vent group determinations and for this documentation to be included in the NOCS.	PTMEG PMPU: The facility's records and reports (NOCS) do not contain the information required by the rule to clearly determine and document PPP applicability and group determinations. For example, the NOCS dated 10/29/2002 indicates that there are Group 1 process vents that are controlled by a flare and that there are two Group 2 process vents. Recent applicability information prepared by Trinity Consultants identifies five additional vents as Group 2 vents and one of the original Group 2 vents is identified as not subject to PPP (no HAPs present).	The facilty finalized the draft applicability and Group determination to reflect current operations.	2/24/2005	4/25/05	4/22/05	D, F

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			POTENTIAL EXCEPTIONS					
1	30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR § 63.160, § 63.180(d)(1), § 63.181, and § 63.182	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the SOCMI HON leak detection and repair (LDAR) program.	THF CMPU. A recent air permit renewal application (~2002) has identified equipment components by process stream IDs and associated organic HAP compositions different than the equipment groupings used to set up the SOCMI HON LDAR program. The new stream ID breakdowns have not yet been compared to the "groupings" in the LDAR computer tracking system to see if there are any resulting SOCMI HON applicability errors. If any components have been mistakenly identified as not being subject to SOCMI HON, it is likely that the required monitoring and repairs are being conducted consistent with the requirements 30 T.A.C. § 63.162 through § 63.175 because they are in the site's LDAR program; however, this was not specifically verified during the audit. However, any such components mistakenly identified as not being part of the site's SOCMI HON LDAR program would not have satisfied the resulting recordkeeping and reporting requirements.	The facility employed a consulting engineering group to create a report showing aggregate groupings of tags per stream names and estimated compositions (in the THF unit only). The facility evaluated the groupings for PTMEG unit. The facility compared field matched stream names in the Master LDAR Database (for both THF and PTMEG area) that were derived from Steam ID Numbers to the HON "groupings" in the LDAR database. The facility concluded that HON designations associated with the stream names matched the HON Tagging Groups.	2/23/2005	4/24/05	4/23/05	E

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2	30 T.A.C. § 113.720 (adopting by reference 40 C.F.R. Part 63, Subpart PPP – Polyether Polyols Production); 30 T.A.C. § 113.130 (adopting by reference 40 C.F.R. Part 63, Subpart H – Organic Hazardous Air Pollutants for Equipment Leaks); 40 CFR § 63.160, § 63.180(d)(1),§ 63.181, § 63.182, § 63.1420, and § 63.1434	Equipment components that operate in organic HAP service 300 hours or more during the calendar year are subject to the Subpart PPP leak detection and repair (LDAR) program.	PTMEG PMPU. Recently, new process stream ID breakdowns have been created including associated organic HAP compositions. The new process stream breakdowns have not yet been compared to the "groupings" in the LDAR computer tracking system to see if there are any resulting Subpart PPP applicability errors. If any components have been mistakenly identified as not being subject to Subpart PPP, it is likely that the required monitoring and repairs are being conducted consistent with the requirements 30 T.A.C. § 63.162 through § 63.175 because they are in the facility's LDAR program; however, this was not specifically verified during the audit. However, any such components mistakenly identified as not being part of the facility's Subpart PPP LDAR program would not have satisfied the resulting recordkeeping and reporting requirements.	The facility employed a consulting engineering group to create a report showing aggregate groupings of tags per stream names and estimated compositions (in the THF unit only). The facility evaluated the groupings for the PTMEG unit. The facility compared field matched stream names in the Master LDAR Database (for both THF and PTMEG area) that were derived from Steam ID Numbers to the HON "groupings" in the LDAR database. The facility concluded that HON designations associated with the stream names matched the HON Tagging Groups.	2/23/2005	4/24/05	4/23/05	E
3	30 T.A.C. § 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater); 40 CFR § 63.152(c)	The Rule requires the owner or operator to submit semi-annual periodic reports (Subpart A, F, and G)	Facility personnel could not produce a signed copy of the semi-annual report due on 11/19/04.	The facility has determined that the submissions made on 11/19/04 contained a typographical error. The plant resubmitted a corrected correspondence referencing the applicable HON subparts.	2/24/2005	4/25/05	4/22/05	E

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1	30 T.A.C. §§ 113.100 and 113.120 (adopting by reference 40 C.F.R. Part 63, Subpart A-General Provisions and Subpart G – Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, respectively); 40 C.F.R. §§ 63.10(e)(3)(v) and 63.152(c)	The owner or operator of a source subject to this subpart shall submit Periodic Reports. Except as specified in the regulations, these reports must be submitted semiannually no later than 60 calendar days after the end of each 6-month period.	The following deficiencies and/or discrepancies were noted regarding the Periodic Report for the semi-annual period ending March 19, 2004 required by Subpart G of the Hazardous Organic NESHAP (HON). 1. The report was submitted on May 20, 2004, two days after the due date of May 18, 2004; and 2. The report was not signed by a responsible official of the facility.	1. The facility's Compliance Calendar was modified on 8/10/04 to reflect the correct deadlines for HON reporting (5/18/2004 - 11/18/2004), and to reflect the signatory requirement. 2. A Periodic Report correcting the deficiencies was submitted to EPA on 10/1/04.	8/4/04	10/3/04	1. 8/10/04 2. 10/1/04	C
2	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.10(d)(5)(i)	The facility is required to submit start-up, shutdown and malfunction (SSM) reports on a semi-annual basis that are signed and certified by the owner, operator or other responsible official regarding the accuracy of the data submitted.	The semi-annual SSM reports submitted since May 1, 2004 did not contain the certification statement and were not signed by a responsible official.	1. The facility's Compliance Calendar was modified on 8/10/04 to reflect the certification and signatory requirements. 2. The semi-annual SSM report sent 5/20/04 was corrected to include the required certification and signature by a responsible official and was submitted to EPA on 10/1/04.	8/4/04	10/3/04	1. 8/10/04 2. 10/1/04	C
3	30 T.A.C. § 113.110 (adopting by reference 40 C.F.R.	Periodic sampling meeting specified requirements is required of heat exchanger cooling water at the	Deficiencies were noted regarding the sampling of the heat exchanger cooling water system in ADN:	The facility now has implemented procedures to ensure that three samples are taken in accordance	8/5/04	10/4/04	10/1/04	B,F

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	Part 63, Subpart F – Synthetic Organic Chemical Manufacturing Industry); 40 C.F.R. § 63.104(b)(5)-(6)	entrance and exit of heat exchanger systems associated with HON-regulated processes, including a minimum of three sets of samples. Average entrance and exit concentrations must be calculated, and the concentration corrected for the addition of any makeup water or for any evaporative losses, as applicable. A leak is detected if the exit mean concentration is found to be greater than the entrance mean using a one-sided statistical procedure at the 0.05 level of significance and the amount by which it is greater is at least 1 part per million or 10 percent of the entrance mean, whichever is greater.	Based on recorded results and discussions with facility personnel, the laboratory is combining the samples and analyzing as a composite sample rather than conducting separate analysis of each sample and then conducting the proper statistical analysis required by the regulations in order to determine if a leak has occurred.	with the applicable requirements and a statistical analysis of the sample results will be conducted.. The facility re-sampled the tower supply and return and analyzed three samples on 8/19 and on 9/9 in accordance with the regulations. The facility completed a HON wastewater stream identification process to assure compliance with these rules.				
4	30 T.A.C. § 113.100 (adopting by reference 40 C.F.R. Part 63, Subpart A – General Provisions); 40 C.F.R. § 63.6(e)(3)(viii)	The owner or operator of a facility subject to the HON may periodically revise the startup, shutdown, and malfunction plan for the affected source as necessary to satisfy the requirements of this part or to reflect changes in equipment or procedures at the affected source. Unless the permitting authority provides otherwise, the owner or operator may make such revisions to the startup, shutdown, and malfunction plan without prior approval by the Administrator or the permitting authority. However, each such revision to a startup, shutdown, and malfunction plan must be reported in the semiannual report required by §63.10(d)(5). In the event that the owner or operator	Federal regulations require the facility to report any revisions to the start-up, shutdown and malfunction (SSM) plan, and the maintenance wastewater procedures, in the semi-annual SSM reports and, depending on the type of change, report the change to the permitting authority prior to implementing the modified SSM plan. The facility's SSM plan currently includes written maintenance wastewater procedures and SOPs for all SSM activities related to HON units. The SOPs are changed frequently but notification of the changes is not provided to the permitting authority and is not included in the semi-annual SSM reports.	The semi-annual report with the required information was submitted on 10/1/04. This submission included a summary of the previous SOP changes.	8/11/04	10/10/04	10/1/04	B,F

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		makes any revision to the startup, shutdown, and malfunction plan which alters the scope of the activities at the source which are deemed to be a startup, shutdown, or malfunction, or otherwise modifies the applicability of any emission limit, work practice requirement, or other requirement in a standard established under this part, the revised plan shall not take effect until after the owner or operator has provided a written notice describing the revision to the permitting authority.						
5	40 C.F.R. §§ 82.156(i)(3) and 82.166(k), (m)	When repairs have been conducted without an industrial process shutdown or system mothballing, an initial verification test shall be conducted at the conclusion of the repair efforts and a follow-up verification test shall be conducted within 30 days after the initial follow-up verification test. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added.	The CRU refrigeration system in HMD was charged with 500 lbs of R-22 in July 2004. No leak calculation was conducted immediately following the charge. In addition, maintenance documentation did not indicate whether or not an initial leak verification test was conducted following the maintenance and charge, and whether a follow-up leak verification test was conducted within 30 days of the maintenance and charge event.	The facility implemented Refrigeration Compliance Manager (RCM) software to be used as the compliance tool to achieve compliance with 40 C.F.R. Part 82 requirements, and facility staff was trained on the use of this software. A new environmental procedure was issued to address refrigerant management. The CRU refrigeration system was evacuated and checked for leaks on 10/15/04.	8/4/04	10/3/04	9/30/04	C,F
6	40 C.F.R. § 82.156(i)(2)	The owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge	Leak calculations conducted during the audit comment period indicated a leak of 36.5% occurred, which is greater than the 35% threshold which triggers initial and follow-up leak verification testing.	The CRU refrigeration system was evacuated and checked for leaks on 10/15/04. All coolant was evacuated from the unit at that time and leak testing with inert tracer gas was performed. Maintenance work was performed on the unit and the identified leak points were repaired	9/1/04	10/30/04	10/15/04 (date of evacuation and removal of unit from service for	D,F

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		during a 12-month period.		and tested per 40 C.F.R. 82.156.			repairs)	
7	40 C.F.R. § 82.154(m)	No person may sell or distribute, or offer for sale or distribution, to any person any substance that consists in whole or in part of a class I or class II substance for use as a refrigerant unless the buyer employs at least one certified technician and buyer submits written notification to seller.	The facility did not provide notification that it had at least one certified technician prior to purchase of multiple large cylinders of R-22 from DuPont as part of the asset purchase on May 1, 2004.	The facility has concluded that this finding is not an INVISTA violation. The facts of the finding state that DuPont sold refrigerant to the facility. The regulations at issue apply only to refrigerant seller or distributor, not the purchaser. However, the facility sent a notification letter to DuPont on 9/24/04 that identified the facility's certified technicians. On 9/28/04, the facility updated and re-issued its Refrigerant Procedure 26 to reflect the certification requirement.	8/4/04	N/A	N/A	E
8	TCEQ Air Permit No. 1790, Special Condition No. 1.A.	Conditions applicable to equipment in VOC service shall not apply (1) where the VOC has an aggregate partial pressure or vapor pressure equal to or less than 0.044 psia at 68°F or (2) where the operating pressure is at least 5 kilopascals (0.725 psi) below ambient pressure. Equipment excluded from this condition shall be identified in a list to be made available upon request.	The facility has not maintained a list of piping, valves, connectors, pumps, and compressors in VOC service that are not subject to the leak detection requirements based on partial pressures below the threshold.	On 8/24/04, the facility completed a list of piping, valves, connectors, pumps, and compressors in VOC service that are not subject to the leak detection requirements based on partial pressures below the threshold.	8/4/04	10/3/04	8/24/04	D,F
9	TCEQ Air Permit No. 1303, Special Condition No. 2; 30 T.A.C. § 116.115(c)	The HMD facility is required by NSR Permit No. 1303, Special Condition 2, to operate absorbers as represented in permit application confidential materials (PI-1 dated August 1, 1996 and the permit alteration request dated May 11, 1998). These representations include minimum water flow rates and maximum ammonia (NH3) concentrations in the scrubber	The minimum water flow rate for the HMD #1 vent scrubber represented in the permit application confidential materials is not being maintained.	A modified renewal application for the HMD permit was completed on 10/10/04 to reflect an accurate water flow rate to the scrubbers.	8/11/04	10/10/04	10/10/04 See Tab 18.B	A,F

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		solutions.						
10	TCEQ Air Permit No. 1303, Maximum Allowable Emission Rate Table; 30 T.A.C. § 116.115(b)(2)(F)	Maximum allowable emission rates under NSR Permit (No. 1303) for Emission Point No. PE-40 (railcar loading scrubber) are: NH3 Emission Rate (tpy) 0.01 VOC Emission Rate (tpy) 0.01 Maximum allowable emission rates for Emission Point No. PE-61 (ADN Storage Tank) are: VOC Emission Rate (tpy) 0.01	The HMD Facility reported emissions of ammonia (0.018 tpy) and VOC (0.017 tpy) on the 2004 [sic 2003] Emission Inventory transmittal for the railcar loading scrubber, and emissions of NH3 (0.012 tpy) for the ADN Storage Tank that are in excess of the allowable emission rate of 0.01 tpy contained in NSR Permit No. 1303, Maximum Allowable Emission Rate Table.	The original emission calculations for NH_3 and VOC were reviewed and found to be in error. In addition, the finding went beyond two significant decimal points. When brought back to two decimal points, the emissions did not exceed the limit. The revised calculations were included in a revised 2003 Annual Emission Inventory, which was completed on 10/10/04.	8/11/04	10/10/04	10/10/04	D,F
11	30 T.A.C. § 101.10(a) and (d) Excerpt from TCEQ 2003 Emissions Inventory Guidelines pg 46	Facilities subject to the annual emission inventory requirements must report actual emissions each year on the annual emissions inventory update (AEIU). The term "actual emission" is the actual rate of emissions of a pollutant from an emissions unit as it enters the atmosphere. TCEQ guidelines state that a facility may not use the factor from its permit if the permit factor came from a document such as AP-42; in this case, the facility must use the most recent version of that factor. These guidelines also state that reported rates should represent actual emissions, rather than maximum potential emissions.	The following deficiencies were noted in the Adipic Acid process 2002 and 2003 emission inventory and backup documentation: 1. The facility reports Maximum Air Emission Rates (MAER) listed in the New Source Review permit instead of actual emission rates for 50 tanks/ receivers, two cone burners, two dryers, and the adipic acid railcar loading area. The guidance document requires that actual emissions be estimated and provides information on acceptable estimation methodologies. 2. The non-volatile residue (NVR) storage tank K-07 has a listed permit limit of 0.0810 tpy in the supporting documentation. The actual MAER emission rate is 0.035 tpy. The facility is reporting emissions in excess	1. Emissions from the 50 tanks/receivers, cone burners, dryers and railcar loading area were recalculated using the estimation methods prescribed in the guidance document. The revised Emissions Inventory was completed on 10/10/04. 2. The revised emissions calculations were included in the application for an amendment to the Adipic Acid permit filed 10/8/04, to increase the permit limit for NVR Storage Tank K7. 3. Upon further technical review, the facility determined that the third finding was factually incorrect. Emissions are included with the low pressure scrubber numbers.	8/11/04	10/10/04	1. 10/10/04 2. 10/8/04 See Tab 18.B	1. D,F 2. D, F 3. E

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			of the permitted limit listed in the MAER table for this emission unit. 3. Emissions from the Steam Still Vent, Steam Still Decanter Vent, and the Aqueous Decanter Vent, that occur during upset conditions when the Cogen systems are unavailable, are not reported.					
12	30 T.A.C. §§ 122.132(a), (e) and (g)	Facilities are required to include all applicable requirements in Title V and NSR permit applications.	The facility's ADN's Title V permit application, submitted in May 2000 (TCEQ has not yet issued the Title V permit) incorrectly indicates that 30 T.A.C. 111.151, allowable emission limits for nonagricultural processes, is not an applicable requirement. Note: The following nonagricultural PM sources exist within the ADN operations: ADN cooling tower, ADN dust collectors, and ADN flares).	Cooling tower, ADN Dust Collectors (Boric Acid, Ni) and ADN flares emissions were added to the ADN NSR permit application that was submitted on 10/15/04. On 8/10/04, TCEQ agreed that the facility could integrate all changes for Title V applications in one submission and submit by 2/1/05. Per letter dated 12/15/04, INVISTA requested until 4/1/05 to submit the Title V application changes. The Title V application changes were submitted on 3/30/05.	8/11/04	10/10/04 Extension until 4/1/05 to submit the Title V app. changes.	10/15/04 (NSR permit app. submitted) 3/30/05 (Title V app. Changes submitted) See Tab 18.B	D,F
13	TCEQ Air Permit No. 1302, Special Condition No. 1; 30 T.A.C. § 116.115(b)(2)(f)		The NSR Air Permit for ADN incorrectly identifies the boric acid dust collector (New EPN PC-82, Old EPN PP-82) as a source of VOC emissions, rather than as a source of PM10 emissions. Additionally, the NSR permit renewal submitted in July 2004 by the facility includes the same error.	An application to amend the ADN NSR permit to correct this error was submitted on 10/15/04.	8/11/04	10/10/04 extension requested until 10/16 for permit amend-ment appl.	10/15/04 See Tab 18.B	D,F
14	30 T.A.C. § 122.146(5)	Texas regulations require Title V facilities to provide specific permit/applicability information (i.e., permit conditions, compliance method, etc.) on annual Compliance	The annual compliance certification submitted June 21, 2004 for the ADN boilers (Permit No. O-02075) did not identify each term or condition of the permit and the	At the time of this finding, DuPont held the permit and operated the ADN boilers, and submitted the June 21, 2004 certification.	8/9/04	N/A	N/A	E

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		Certifications. Among other items, the annual compliance certification must include or reference the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data.	method used to determine compliance.	In addition, the facility has determined that the DuPont annual compliance certifications identified in the audit finding, which reference applicable information and were prepared using TCEQ forms consistent with TCEQ guidance, were not deficient.				
15	Federal Operating Permit No. O-01868, Special Condition No. 3	The Adipic Acid production facility's Title V Permit (No. O-01868) requires that an annual observation of visible emissions from qualifying vents must occur at least once in each 12-month certification period and that the observationss be documented.	The facility failed to record an annual observation for any qualifying vents (the NOx abatement vent, the cone burners, the dryer vents/control scrubber and the railcar loading dust control vent) for the 12-month certification period ending August 4, 2004.	The requirement for PD-25 vent observation has been added to the facility's Compliance Calendar Database. The facility confirmed no operational violation during a field observation on 10/7/04. The lack of documentation for the NOx abatement vent was noted as a deviation in the facility's Title V deviation report filed 9/3/04. The lack of documentation for all other sources will be included in the next Title V deviation report. The Environmental Database has been modified to ensure the next deviation report includes these deviations.	8/11/04	10/10/04	10/7/04	C,F
16	30 T.A.C. §§ 101.10(a) and 116.110	State regulations require facilities to obtain permits for sources of air contaminants. State regulations require a facility that emits criteria pollutants and/or hazardous air pollutants (HAP) to submit an initial emissions inventory (EI) for any criteria pollutant or HAP that has not been	The facility did not obtain a permit or PBR for the dust collector connected to the nickel inverter in ADN's Catalyst House. Additional Detail: The dust collector is a source of PM10 and HAP emissions (nickel) but is not addressed by a PBR, the facility's current NSR permit, the NSR permit	A revised Emissions Inventory was completed on 10/10/04 to reflect these additional emissions. The application to amend the ADN permit was submitted on 10/15/04 to, among other things, include the dust collector as an emission source. The facility requested an extension	8/9/04	10/8/04 extension requested until 10/10 for EI extension requested until	10/10/04 for EI 10/15/04 for permit amdmt. app. See Tab 18.B	A,F

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		identified in a previous inventory. The IEI shall consist of actual emissions of VOC, NO(x), carbon monoxide (CO), sulfur dioxide (SO(2)), lead (Pb), particulate matter of less than 10 microns in diameter (PM(10)), any other contaminant subject to NAAQS, emissions of all HAPs identified in FCAA §112(b), or any other contaminant requested by the commission from individual emission units within an account.	renewal application submitted on July 14, 2004, or the facility's annual emissions inventory. No emission calculations are available for the nickel dust collector.	of the time period for corrective action in order to consolidate the required amendment with other amendments (extension requested until 10/16/04) and to submit the revised EI (extension requested until 10/10/04).		10/16 for permit amend-ment appl.		
17	30 T.A.C. §§ 106.8(c), 115.412(1)(A), (C), (F)(ii), 106.454(1)(A)(ii) and 106.454(1)(F)	Labeling, operation and recordkeeping requirements for cold solvent cleaners require: --A cover must be provided for each cleaner, which must be kept closed whenever parts are not being handled in the cleaner; --A permanent label summarizing specified operating requirements must be attached to the cleaner in a conspicuous location near the operator. Owners or operators of all other facilities authorized to be constructed and operate under a PBR must retain specified records and meet specified control and testing requirements). Note: The Form PI-7 registration is not required if total solvent makeup (gross usage minus waste disposal) is 110 gallons per year (gallon/yr) or less.	The following deficiencies were noted regarding the ADN maintenance shop (Building 3010) cold solvent cleaner that uses Safety Kleen Premium Gold Solvent (MSDS No. 82658/82774), a volatile organic compound: 1. The cover of the cold cleaner was not closed when the unit was not being utilized; 2. A label summarizing specified operating requirements was not attached to the degreaser; 3. There were no records documenting that total solvent makeup (gross usage minus waste disposal) is 110 gallons per year or less (the facility has prepared a PBR for its degreasers, but a Form PI-7 registration is also required if total solvent makeup exceeds 110 gallons per year); and 4. Monthly records of total	1. The facility developed a procedure for degreaser compliance requirements to resolve this issue. 2. The facility labeled the degreaser. 3. The facility updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements. The facility has also gathered records for 2003 and confirmed that total solvent makeup did not exceed 110 gallons for that year. 4. The facility updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements.	8/9/04	10/8/04	10/7/04	B,F

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			solvent makeup (gross usage minus waste disposal) were not available.					
18	30 T.A.C. §§ 106.454(1)(A)(ii), 106.454(1)(F). 106.454(3)(E), and 115.412(1)(C).	State regulations specify labeling, operation, and recordkeeping for cold solvent cleaners, including requiring a permanent label summarizing certain operating requirements, that is attached to the cleaner in a conspicuous location near the operator. Each unit must also meet specified control and testing requirements. The Form PI-7 registration is not required if total solvent makeup (gross usage minus waste disposal) is 110 gallons per year (gallon/yr) or less.	The following deficiencies were noted regarding the HMD maintenance shop (Building 818) agitating parts cleaner that uses Safety Kleen Premium Gold Solvent (MSDS No. 82658/82774), a volatile organic compound: 1. The cold cleaner did not have a label summarizing the applicable operating requirements attached to the degreaser; 2. There were no records documenting that total solvent makeup (gross usage minus waste disposal) is 110 gallons per year or less (the facility has prepared a PBR for its degreasers, but a Form PI-7 registration is also required if total solvent makeup exceeds 110 gallons per year); and 3. Monthly records of total solvent makeup (gross usage minus waste disposal) were not available.	The facility labeled the degreaser and updated its monitoring program to track solvent makeup and recordkeeping. The facility also developed a procedure for degreaser compliance requirements.	8/9/04	10/8/04	10/7/04	B,F
19	40 C.F.R. § 68.39(b)	Federal regulations require modeling, recordkeeping and reporting for RMP-regulated processes. In particular, the owner or operator must maintain specified records on the offsite consequence analyses, including:	Back-up documentation does not demonstrate the effect of passive and active mitigation controls taken into account in the alternative release scenarios for chlorine (Toxic ARS No. 1), ammonia (Toxic ARS Nos. 2 and 3), and 1,3-Butadiene (Flammable ARS No. 1) that were	The RMP was revised to address all backup data requirements and resubmitted to the RMP reporting center.	8/10/04	10/9/04	10/8/04	B,F

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		(a) For worst-case scenarios, a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection; assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released. Documentation shall include the anticipated effect of the controls and mitigation on the release quantity and rate. (b) For alternative release scenarios, a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios; assumptions shall include use of any administrative controls and any mitigation that were assumed to limit the quantity that could be released. Documentation shall include the effect of the controls and mitigation on the release quantity and rate.	submitted as part of the RMP on June 21, 2004.					
20	40 C.F.R. § 68.79(a)	A facility must conduct a compliance audit of the RMP program every 3 years. The owner or operator must certify that it has evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed.	The facility audits each operations area on an element-by-element basis every three years. This approach ensures that each element is covered at each operational area once per three-year period. However, the time interval between any specific element for an operations area may exceed 3 years.	The facility requested an extension of the date by which corrective action is required until 12/31/04 in order to conduct a third party audit of PSM systems at the facility. The facility completed the PSM audit and had a certification on file on 12/21/04.	8/10/04	10/9/04. Extension requested until 12/31/04 as per letter dated 10/1/04	12/21/04	B,F
21	30 T.A.C. § 115.126	State regulations specify control, monitoring, and recordkeeping	The Adipic Acid production facility has emission units that are subject to	The facility has concluded that the monitoring and recordkeeping	8/11/04	10/10/04 By letter	7/29/05	E

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		requirements for VOC emissions from certain vents. These requirements include maintaining records of appropriate parameters to demonstrate compliance, and obligation to make specified records available upon request to TCEQ, EPA, or any local air pollution control agency having jurisdiction in the area.	the Vent Gas Control regulations. These units meet the control requirements via connection with the Conoco and/or DuPont cogeneration turbines. The facility does not keep records of appropriate operating parameters for the control devices, e.g., destruction temperatures, to demonstrate compliance with control requirements.	requirements cited herein do not apply to INVISTA because Conoco and/or DuPont own and operate the cogeneration turbines and submit certifications as to these units' compliance with these rules.		dated 5/31/05, the facility requested an extension until 7/30/05.		
22	40 C.F.R. § 61.357	An owner or operator must determine the total annual benzene quantity from facility waste using specified procedures. For each waste stream subject to these provisions having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent (as specified in section 61.342(a)), the owner or operator must: --Determine the annual waste quantity for each waste stream using specified procedures; --Determine the flow-weighted annual average benzene concentration for each waste stream using specified procedures; and --Calculate the annual benzene quantity for each waste stream by multiplying the annual waste quantity of the waste stream times the flow-weighted annual average	The following inconsistencies were noted on the Total Annual Benzene (TAB) report in the ADN area (April 2004): Annual benzene quantities from the 3068 organic sump had not been reported since 1993; The annual benzene quantity for the natural gas plant mole sieve regeneration was reported as 0.002 Mg/yr rather than the 0.02 Mg/yr calculated in supporting documentation; and Several waste streams on the TAB report both benzene concentration and waste flow, but report zero Mg/yr annual benzene quantities.	These violations occurred prior to INVISTA's ownership or operation of the facilities. The facility has conducted a comprehensive stream identification process that has identified the applicable waste streams subject to the Benzene NESHAP. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/11/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F

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		benzene concentration.						
23	40 C.F.R. §§ 61.348(a), 61.354 and 61.355	With certain exceptions, a facility owner or operator must treat benzene waste streams in accordance with specified requirements, including: (1) The owner or operator must design, install, operate, and maintain a treatment process that either: (i) Removes benzene from the waste stream to a level less than 10 parts per million by weight (ppmw) on a flow-weighted annual average basis, (ii) Removes benzene from the waste stream by 99 percent or more on a mass basis, or (iii) Destroys benzene in the waste stream by incinerating the waste in a combustion unit that achieves a destruction efficiency of 99 percent or greater for benzene. (2) Each treatment process complying with paragraphs (a)(1)(i) or (a)(1)(ii) (above) must be designed and operated in accordance with specified waste management unit standards. (3) For the purpose of complying with the requirements specified in paragraph (a)(1)(i), the intentional or unintentional reduction in the benzene concentration of a waste stream by dilution of the waste stream with other wastes or materials is not allowed.	Initial performance testing for the hydrolysis wastewater treatment unit for Promoter filtrate was not performed to demonstrate 99% removal efficiency. This treatment standard (rather than the 10 ppm effluent standard) is required since dilution occurs when waste streams throughout the process area are combined. Additionally, analytical data supporting effluent concentrations during this initial test was not available. The facility is currently attempting to demonstrate compliance with alternate effluent regulatory requirements, which could exempt the hydrolysis unit from the waste treatment compliance demonstration.	The facility conducted sampling on the hydrolysis column pursuant to the procedures set forth in section 61.355(e). These tests demonstrated a removal efficiency exceeding 99.9%. Temperature was identified as an appropriate parameter, and temperature records were retrieved from system data back to July 2004. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/11/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	D,F

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24	40 C.F.R. §§ 61.342(b), 61.355(b)	Federal regulations regarding management of benzene waste streams require determination of the total annual benzene quantity for each waste stream at the point of generation. Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) must manage and treat the facility waste in the manner specified in the regulations.	The total annual benzene quantities are not being accurately determined at point of generation in the HMD refining area as provided by the following examples: 1. Tank D-12 is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including by-product wastes, tank turnover wastes, and Tank D-19 discharges; 2. Tank D-19 is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including power condensate, vent scrubber water, and synthesis building waste; 3. Hot well sump discharge is designated as a point of generation however, it is a waste accumulation tank for numerous waste streams including containing hot well collection pots discharges of benzene and non-benzene wastes sources as well as the pump cleanout wastes; and Additionally, many of these individual waste streams leading to tanks D-12, D-19, and the hot well sump have not been evaluated for NESHAP applicability or are not managed as NESHAP sources.	The facility has conducted and is evaluating a facility-wide stream identification process (including the HMD area) to document the applicable waste streams and assess overall compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/12/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	B,F
24.1	40 C.F.R. §§ 61.342 through 61.357	Sources that are regulated under Subpart FF must meet treatment,	The facility has failed to comply with the benzene NESHAP	INVISTA is continuing to review the results of the wastestream	1/12/05	Current extension	Pending See Tab	A,F

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		monitoring, inspection, record keeping and reporting requirements and standards.	requirements.	identification process on a facility-wide basis to assess current compliance. For example, INVISTA has determined that BIFs 5, 7 & 8, the ADN North and South boilers and other sources were not previously identified as Subpart FF sources. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.		request seeks until 2/28/07 to develop corrective measures.	18.A	
24.2	40 C.F.R. §§ 61.354, 61.357 & 61.343-347; TX Clean Air Act §§ 382.085, 382.0215; 30 T.A.C. §§ 101.222(a)(1)-(6), 116.115(c)	Thermal incinerators such as the Fume Abator used as control devices under Subpart FF must be continuously monitored using a temperature monitoring device. Any 3-hour periods where the temperature was more than 28° below the design temperature must be reported.	Although the Fume Abator is designed to have a waste stream cutoff that prevents the flow of any benzene-containing materials to the unit when the temperature is below the 28° cutoff, the automatic feed cutoff was set below this threshold.	The facility is meeting with EPA and TCEQ regarding this and other benzene NESHAP issues. In addition, prior to INVISTA's ownership, one of the vents that directed benzene streams from the APF Unit to the Fume Abator was disconnected. INVISTA ceased operating the APF Unit last June. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop long-term corrective measures with EPA and TCEQ.	1/12/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
24.3	40 C.F.R. § 61.354; Tex Health & Safety Code §§ 382.085, 382.0215; 30 T.A.C. §§ 101.222(a)(1)-(6), 116.115(c)	Because the boilers are used as control devices for regulated benzene streams, the facility is required to continuously monitor the boilers for a parameter that indicates good combustion operating practice.	As of 3/1/05, the facility was designated by TCEQ as the operator of RCRA BIF boilers 5, 7 and 8. The facility had not previously identified these boilers as also subject to Subpart FF. Because the units had not been identified as subject to Subpart FF, no monitoring and recordkeeping had been conducted under Subpart FF requirements.	The facility is continuing to evaluate the benzene NESHAP issues associated with BIFs 5, 7, & 8, as well as the ADN North and South boilers. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	1/12/05	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	A,F
25	40 C.F.R. § 61.349(a)(2)(i)(C)	Federal regulations require control devices for closed vent systems to be designed and operated in	Interviews with BIF boiler operators indicated that the Low Pressure Diamine Off-Gas (LPDOG) vent	Given the complexity of this issue, the facility requested an extension of the time period for corrective	8/12/04	10/11/04 The facility	12/29/04 See Tab 18.B	B,F

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		accordance with specific benzene reduction levels or emission limits. An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must meet one of the following conditions: (A) Reduce the organic emissions vented to it by 95 weight percent or greater; (B) Achieve a total organic compound concentration of 20 ppmv (as the sum of the concentrations for individual compounds using Method 18) on a dry basis corrected to 3 percent oxygen; or (C) Provide a minimum residence time of 0.5 seconds at a minimum temperature of 760°C (1,400°F). If a boiler or process heater issued as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.	header stream from HMD and the benzene stripper vent header are introduced at temperatures lower than those established during performance test (i.e., introduced at the time of burner ignition) and that none of the control options has been demonstrated.	action with regard to this finding until such time as the facility can meet with TCEQ. INVISTA met with TCEQ on 10/18/04. By letter dated 12/15/04 extension requested until 12/31/04 to formally explain position. On 12/29/04 the facility sent a letter to TCEQ explaining position that (1) process interlocks ensure that vent streams are introduced at required temperatures, and (2) compliance with the control options of Subpart FF has been demonstrated by performance testing as allowed by 40 CFR 61.349(c). The facility is awaiting a response.		requested an extension until either a favorable response from TCEQ or 60 days after an un-favorable response.		
26	40 C.F.R. § 61.349(a)(1)(ii)	Vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with applicable benzene NESHAP regulations must install, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as specifically provided in the regulation.	The P-25 emergency vent in HMD refining is not equipped with flow indicators.	Upon further review, the facility has determined that the NESHAP vent line that is part of the existing configuration of this unit meets the requirement for a flow indicator. The regulations require only a "flow indicator," not a "flow monitor." 40 C.F.R. § 61.349(a)(1)(ii). EPA has confirmed that the purpose of this provision is to provide "easily observable visual evidence that control systems are not being bypassed." (58 Fed. Reg. 3081 (January 7, 1993). There is no requirement for a device that can	8/12/04	N/A	N/A	E

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				monitor flow rate, so the NESHAP vent line is a "flow indicator" for purposes of the regulations.				
27	40 C.F.R. §§ 61.342, 61.355	Federal regulations regarding management of benzene waste streams require determination of the total annual benzene quantity for each waste stream at the point of generation. Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr (11 ton/yr) must manage and treat the facility waste in the manner specified in the regulation, including the following: Subject to limited exceptions, the owner or operator must treat the waste stream in accordance with specified requirements for the treatment process.	The total annual benzene quantities and points of generation are not being accurately determined in the Cyclohexane Oxidation process in the Adipic Acid Area.	The facility has conducted and is evaluating a stream identification process to document the applicable waste streams and assess compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ.	8/16/04	Current extension request seeks until 2/28/07 to develop corrective measures.	Pending See Tab 18.A	AF
28	40 C.F.R. §§ 61.343(c), (e)(1) and 61.345(a)(3)(ii)(A), and (b)	Federal regulations regarding management of benzene waste streams require periodic inspection and monitoring. The standards in this section apply to the treatment and storage of the waste stream in a tank, including dewatering. The facility must install, operate, and maintain a fixed-roof (meeting specified requirements) and closed-vent system that routes all organic vapors vented from the tank to a control device. Each fixed-roof, seal, access door,	(1) Quarterly visual inspections and annual leak detection monitoring are not being performed for the de-inventory cyane tank in the KA Area (a non-exempt waste management unit); and (2) Quarterly visual inspections and annual leak detection monitoring are not being performed for trailers hauling waste benzene liquids (ADN waste streams P-022, P-123, P-126, and P-127) to the incinerator.	1. The facility has conducted and is evaluating a facility-wide stream identification process (including the KA area) to document the applicable waste streams and assess compliance. Per letter dated 1/20/06, INVISTA has requested an extension until 2/28/07 to develop corrective measures with EPA and TCEQ. 2. The facility sent a letter to DuPont on 10/14/04 to document that Subpart FF continuous streams are being	8/17/04	1. Current extension request seeks until 2/28/07 to develop corrective measures. 2. 10/16/04	1. Pending See Tab 18.A 2. 10/14/04	B,F

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		and all other openings must be checked by visual inspection initially and quarterly thereafter to ensure that no cracks or gaps occur and that access doors and other openings are closed and gasketed properly. Specified standards must be met for each container in which waste is placed, including certain requirements for covers. Each cover and all openings must be visually inspected initially and quarterly thereafter to ensure that they are closed and gasketed properly.		sent to DuPont via pipeline. The facility also updated its SP 33 procedure to address the inspection requirements for tank trucks.				
29	40 C.F.R. §§ 61.342(f)(2) and 61.356	Rather than treating the waste onsite, an owner or operator may elect to comply with specified regulations by transferring the waste offsite to another facility where the waste is treated in accordance with the applicable requirements. The owner or operator transferring the waste must comply with specified requirements, and must include with each offsite waste shipment a notice stating that the waste contains benzene which is required to be managed and treated in accordance with the provisions of this subpart. An owner or operator transferring waste offsite to another facility for treatment in accordance with these provisions must maintain documentation for each offsite waste shipment that includes the specified information. Additionally, these off-site facilities	For each waste shipment sent to the incinerator since May 1, 2004, INVISTA has not provided notification to DuPont stating that the waste contains benzene that is required to be managed and treated in accordance with the provisions of this subpart. Documentation was not available for review that indicates wastes are treated in the DuPont incinerator in accordance with the provisions of this subpart.	The facility sent a letter to DuPont on 10/14/04 to document the Subpart FF continuous streams being sent to DuPont. The facility also updated its SP 33 procedure, covering truck loading to ensure that notification is sent.	8/17/04	10/16/04	10/14/04	C

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		are required to treat the benzene waste in compliance with this subpart.						
30	30 T.A.C. § 117.313(b) (requiring compliance with quality assurance procedures of 40 C.F.R. Part 60, Appendix F)	Any covered CEMS must meet all requirements of 40 C.F.R. § 60.3; 40 C.F.R. Part 60, Appendix B, Performance Specification 2; and quality assurance procedures of 40 C.F.R. Part 60, Appendix F (with certain exceptions not applicable to this facility), including the development and implementation of a QC program containing specified provisions.	The facility has a CEMS associated with the NOx/N2O abatement train but does not have a written QC program as required in 40 C.F.R. Part 60 Appendix F.	A QC Plan was developed and implemented to meet the regulatory requirements.	8/12/04	10/11/04	10/7/04	D,F
31	30 T.A.C. § 116.110(a); 30 T.A.C. § 122.132(a), (e) and (g)	A permit application shall provide any information, including confidential information (as addressed in the applicable regulations), required by TCEQ to determine the applicability of, or to codify, any applicable requirement or state-only requirement.	The HMD facility's iron ore unloading, storage, and handling sources at HMD, which are a source of particulate matter emissions, were not included in the facility's Title V permit application, and do not have either a Permit by Rule or Standard Exemption.	Revisions to the pending permit renewal application for HMD (application no. 1303) were completed on 10/11 and reflected iron ore particulate emissions. The Emissions Inventory for 2003 was corrected to include HMD iron ore particulate emissions as well. The revised Emissions Inventory was completed on 10/10/04. On 9/10/04, TCEQ agreed that the facility could integrate all changes for Title Vs in one submission. The facility sought an extension until 4/1/05 to file the Title V permit applications. The HMD sources at issue were included in that submission 3/30/05.	8/12/04	10/11/04 Extension requested for Title V apps. until 4/1/05.	3/30/05 See Tab 18.B	A,F
32	30 T.A.C. § 116.110(a)	Before any actual work is begun, any person who plans to construct any new facility or to engage in the modification of any existing facility which may emit air contaminants	The facility has not requested either a permit by rule or standard exemption to allow the Conoco cogeneration facility as an alternative control system for the	Revisions to the pending permit renewal application for HMD (application no. 1303) were completed on 10/11/04 and reflected the Conoco cogeneration facility as	8/12/04	10/11/04	10/11/04 See Tab 18.B	A,F

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		into the air must either (1) obtain a permit under applicable regulations; (2) satisfy the applicable conditions for a standard permit, (3) satisfy the conditions for a flexible permit under the requirements in Subchapter G of this chapter (relating to Flexible Permits); (4) satisfy the conditions for facilities permitted by rule; or (5) satisfy the criteria for a de minimis facility or source.	HMD facility. Note: The HMD facility is sending waste streams to the Conoco cogeneration facility.	an alternative control system.				
33	40 C.F.R. §§ 60.13(a) and 60.73(a); TCEQ Air Permit No. 9468, Special Condition 6	Each monitor shall be quality assured at least quarterly in accordance with 40 C.F.R. 60, Appendix F, Procedure 1, Section 5.1.2. For NSPS sources subject to Appendix F, the appropriate TACB regional office shall be notified at least 30 days prior to each annual relative accuracy testing audit in order to provide them the opportunity to observe the testing. Continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of certain performance specifications for continuous monitoring systems. The source owner or operator shall install, calibrate, maintain, and operate a continuous monitoring system for measuring NOX meeting certain specifications.	The Nitric Acid facility is not conducting a Relative Accuracy Test Audit (RATA) once per year, as required by NSR Permit No. 9468, Condition 6.B., and applicable federal and state regulations. Note: Facility is conducting a fourth cylinder gas audit instead of RATA, apparently relying on 30 T.A.C. § 117.413 language allowing this. However, 30 T.A.C. § 117.458 makes clear that nothing in the Texas NOx RACT rule for Nitric Acid Plants is to be construed as exempting NSPS requirements.	METCO Environmental personnel conducted a Relative Accuracy Test Audit (RATA) on 9/23/04 using Method 7E, which has been approved by EPA, on the #4 AOP NOx CEMS (PC-9).	8/12/04	10/11/04	9/23/04	B,F
34	30 T.A.C.	The facility is required to report actual emissions annually, including	The facility's 2003 Emissions Inventory does not include	The Emissions Inventory for 2003 was corrected to include the various	8/12/04	10/11/04	10/10/04	D,F

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	§ 101.10(a)	actual emissions of VOC, NOx, carbon monoxide (CO), sulfur dioxide (SO2), lead (Pb), particulate matter less than 10 microns in diameter (PM10), any other contaminant subject to NAAQS, and emissions of all HAPs identified in FCAA Section 112(b) The Initial Emissions Inventory or subsequent Annual Emissions Inventory Updates shall contain emissions data from the previous calendar year and shall be due on March 31 of each year or as directed by the commission.	emissions from the following sources: 1. PM emissions from the boric acid dust collector or nickel dust collector; 2. VOC emissions from the parts cleaners; and 3. HCl emissions from the scrubber (EPN No. PT10), which abates two HCl storage tanks in ADN Promoter (Tanks 3045-1509-1 and 3045-1509-2).	sources identified in the finding. The revised Emissions Inventory was completed on 10/10/04.				
35	30 T.A.C. § 106.476	Any tank or other container storing carbon compounds is permitted by rule, provided that the tank or container pressure is sufficient at all times to prevent vapor or gas loss to the atmosphere or the tank or container is equipped with a relief valve which directs all vapors or gases to an incinerator, boiler, or other firebox having a stationary flue or a waste gas smokeless flare system.	The following deficiencies and/or discrepancies were noted regarding increased burning of LPDOG off-gas in the Powerhouse Boilers 5, 7 & 8 (October 2001): --The facility incorrectly filed a PBR for tank installations for the Powerhouse boilers that were actually installed by the HMD process; and --PBR 106.476 (Formerly SE No. 83) for "Pressurized Tanks or Tanks Vented to Control" should have been completed by the HMD process unit since the HMD process unit installed the "tanks vented to control" and not the Powerhouse. The Power Boilers should have concurrently filed a PI-7 associated with PBR 106.261 associated with General Facilities (Emissions Limitations) for the increase in emission associated with increased	The facility has determined that the correct PBR was submitted to authorize emissions from these tanks. Specifically, 30 T.A.C. § 106.476 authorizes tanks storing carbon compounds, provided vapors and gasses from the tank are direct to an incinerator, boiler, or other firebox having a stationary flue. The vent stream from two HMD storage tanks is routed to the LPDOG line and burned in the three Power Boilers. Because HMD constitutes a carbon compound, the tanks are properly authorized by § 106.476 (Registration No. 33081, July 25, 1996).	8/16/04	N/A	N/A	E

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			fuel combustion since these operations are under separate and distinct NSR permits. Note: HMD personnel stated that no tank installation had occurred in October 2001 and the increase in LPDOG off-gas throughput was initially denied some time earlier. However, it was believed that the increase in off-gas had been approved and the increase was implemented. This change in operational status was identified in October 2001 and the facility submitted a PBR application for the powerhouse to address the increased throughput. Note: The PBR was approved by TCEQ on January 17, 2002 based upon information provided by the facility.					
36	30 T.A.C. § 117.419(a)(1)	The owner or operator of an affected facility must notify TCEQ verbally at least 15 days prior to the date of any continuous emissions monitoring systems (CEMS) or predictive emissions monitoring systems (PEMS) performance evaluation conducted under applicable regulations (relating to Continuous Demonstration of Compliance), followed by written notification within 15 days after testing is completed.	The Nitric Acid facility is not notifying the TCEQ verbally at least 15 days prior to CEMS performance evaluations and written notification within 15 days after testing is completed. Note: The last CEMS performance evaluation occurred on June 23, 2004.	Procedures were developed and implemented that include agency notification before and after RATAs and CGAs. The facility provided verbal notification to the State on 9/7/04 and written notification to the State on 10/7/04.	8/16/04	10/15/04	10/7/04	B,F
37	30 T.A.C. § 122.165; Federal Operating Permit No. O-01350,	The following documents must include a signed certification of accuracy and completeness:	The Nitric Acid facility quarterly NSPS compliance report dated July 27, 2004, which is required by Title V to be submitted, is not signed by	NSPS reports containing the required certification and signed by responsible official were submitted on 9/21/04 to correct the previous	8/16/04	10/15/04	9/21/04	C

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	Special Condition No. 3. A.	(1) applications for initial permit issuance; (2) applications for revisions; (3) applications for reopenings; (4) applications for renewals; (5) applications for general operating permits; (6) general operating permit application revisions; (7) reports required by the permit; and (8) annual compliance certifications. The certification of accuracy and completeness must include specific language and must be signed by the responsible official, which is defined by the regulations.	the responsible official, and does not contain the required certification of accuracy and completeness statement. Note: The July 2004 submittal was signed by the EHS Manager, and contained an incorrectly worded certification statement.	report submitted 7/24/04.				
38	40 C.F.R. §§ 60.7(a) and 60.705(a)	Federal regulations for reactors require notification once a source becomes subject to a New Source Performance Standard (NSPS), and compliance with applicable standards, recordkeeping and reporting requirements. An affected facility is any of the following for which construction, modification, or reconstruction commenced after June 29, 1990: (1) Each reactor process not discharging its vent stream into a recovery system. (2) Each combination of a reactor process and the recovery system into which its vent stream is	The ISOM reactor in ADN was replaced with a larger reactor in 1997, triggering NSPS for the reactor. NSPS notification for reactor units (Subpart RRR) has not been submitted, and the reactor has not been identified as an NSPS Subpart RRR source in the Title V permit application.	The modification occurred prior to INVISTA's ownership. Nonetheless, the facility submitted to TCEQ on 10/15/04 the initial notification under Subpart RRR, the semi-annual report under Subpart RRR, and the flare waiver for the performance test. Per letter dated 12/15/04, INVISTA requested until 4/1/05 to submit the Title V application changes. On 3/30/05, the facility modified its Title V application to reflect these requirements.	8/17/04	10/16/04 Extension requested for Title V apps. until 4/1/05.	10/15/04 (initial notif. submitted) & 3/30/05 (Title V amdmt. app. submitted) See Tab 18.B	D,A,F

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		discharged. (3) Each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged.						
39	40 C.F.R. §§ 60.7 and 60.487	Federal regulations require compliance with notification, monitoring and reporting requirements for equipment installed or modified after January 5, 1981 at affected facilities in the synthetic organic chemicals manufacturing industry.	The facility installed the Dibasic Acid (DBA) portion of the Adipic Acid process unit in 1992 that includes equipment to add methanol to the Dibasic Ester (DBE). The methanol equipment is not included in the semiannual LDAR reports required by Subpart VV, and there is no indication that the initial notification was submitted for the methanol equipment. Note: The methanol equipment is included in the TCEQ Reg. V LDAR program, but results are not reported in the semiannual reports.	The facility concluded on 10/15/04 that the DBA process is not subject to Subpart VV. DBA is not a listed SOCMI chemical. DBA is reacted with methanol to make DBE, which is also not a SOCMI listed chemical. This item, therefore, is not a violation. In response to the audit, the facility submitted its Subpart VV report on 8/31/04 including methanol components. Based on the analysis above, however, the facility re-submitted its Subpart VV report (excluding methanol components) on 10/15/04.	8/17/04	10/16/04	10/15/04	E
40	40 C.F.R. § 60.7(c) and (d)	Unless otherwise specified in the permit, the permit holder must report to TCEQ, in writing, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.	The following deficiencies were noted regarding reporting and recordkeeping requirements: For all quarterly reports during the audit period (most recent dated 7/27/04) the facility did not calculate CEMS downtime correctly. Note: The facility will need to recalculate CEMS downtime and determine whether the corrected percent downtime exceeds 5 % during any reporting period, which would require the submittal of a	A procedure has been developed to address recordkeeping requirements, including in particular documentation of calculation methods and details needed for downtime descriptions. This procedure has been attached to both QC manuals and a copy has been placed in the CEMS Technical manual.	8/17/04	10/16/04	10/14/04	B,F

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			detailed excess emissions report. Note: The most recent quarterly report dated July 27, 2004 includes the correct NOx analyzer information.					
41	30 T.A.C. § 117.419(c); 40 C.F.R. § 60.7(c)	The owner or operator of an affected facility must report to TCEQ in writing on a quarterly basis all periods of excess emissions (as defined). All reports must be postmarked or received by the 30th day following the end of each calendar quarter. The reports must include information specified in the regulations. Each owner or operator required to install a continuous monitoring device must submit an excess emissions and monitoring systems performance report and/or summary report form to TCEQ semiannually (except when more frequent reporting is specifically required), postmarked by the 30th day following the end of each six month period. Written reports of excess emissions must include specified information. Except for system breakdowns, repairs, calibration checks, and required zero and span adjustments, all continuous monitoring systems must be in continuous operation and must meet specified minimum frequency of operation requirements.	The Nitric Acid facility is required to report excess emissions quarterly for NOx RACT compliance, and semi-annually per NSPS Subpart G. The facility is not reporting emissions that are measured by the CEMS in excess of the standard during periods of startups and shutdowns due to the CEMS conversion factor utilized to convert the pollutant concentration to units of the applicable standard, lb/ton, being considered invalid. However, the CEMS is required to be operated and providing valid data at all times, including periods of startup and shutdown.	Upon further review, the facility has concluded that this finding is in error. The facility tested the analyzer and determined that the CEMS is operating as required and is providing the correct data. Further, the facility determined that excess emissions under the NOx RACT and NSPS rules are based on 24- and 3- hour average NOx readings, respectively. Facility data (emissions monitoring and operating data for a few startups and shutdowns), shows average emissions are below the NOx RACT and NSPS limits up until shutdown of the unit. The 24- and 3- hour average emissions also are in compliance with the NOx RACT and NSPS limits within 24 and 3 hours of startup, respectively. The concern of the auditors appears to be that excess NOx emissions are calculated during the time period following shutdown until immediately following startup due to the fact that emissions expressed as lbs NOx/ton nitric acid produced are calculated even when the unit is shutdown and not producing nitric acid. This is a function of the formula used to convert the NOx concentrations measured by the	8/17/04	N/A	N/A	E

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				CEMS into lbs NOx/ton nitric acid produced. Despite the fact that emissions are calculated even when the unit is shutdown and not producing nitric acid, as stated previously , the 24- and 3- hour average emissions appear to be in compliance with the NOx RACT and NSPS limits within 24 and 3 hours of startup, respectively.				
42	40 C.F.R. § 61.145(b)	Facilities undertaking demolition or renovation activities in areas in which asbestos-containing material in certain conditions and amounts is located must submit a notification to EPA at least 10 days prior to demolition.	The facility removed and replaced a structural beam in Promoter in June 2004 without first submitting a demolition notification. Removal of a load-bearing structure is considered demolition. Note: The facility has an annual asbestos renovation notification, submitted May 18, 2004, that covers unscheduled renovation operations for 2004, but cannot be used for unscheduled demolition activities.	The facility's asbestos management procedure was revised to incorporate the detailed notification requirements.	8/17/04	10/16/04	10/14/04	C
43	30 T.A.C. Chapter 290, Subchapters D and F; 40 C.F.R. §141.2	State and federal regulations require public water suppliers to meet specific operational requirements. The facility treats water supplied by DuPont through the utilization of point-of-use treatment devices but does not operate as a public water system.	The facility meets the definition of a public water system, and must comply with all regulations pertaining to public water systems.	On 10/6/04, an Agreement with DuPont was amended to clarify responsibilities with respect to the system. Based on this amendment, the facility has concluded that its purchased water distribution system is excluded from regulation as a public water system (PWS). The facility uses purchased water from the DuPont Sabine River Works (PWS ID#1810114). Pursuant to 30 T.A.C. § 290.102, an otherwise regulated PWS is exempt from regulation if the PWS (1) consists only of distribution and storage facilities (and does not have any	8/4/04	N/A	N/A (Letter to TCEQ submitted 10/13/04) See Tab 18.B	E

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				productions and treatment facilities); (2) obtains all of its water from, but is not owned or operated by, a PWS to which such standards apply; (3) does not sell water to any person; (4) is not a carrier which conveys persons in interstate commerce; and (5) is subject to plumbing restrictions and inspections by the PWS which provides the water. The facility has concluded that it meets all of these requirements for the exemption. The facility sent a letter to TCEQ on 10/13/04 seeking its concurrence with this conclusion.				
44	TPDES General Permit No. TXR050000, Part II., Section C., 3	TPDES General Permit requires facility to develop a Storm Water Pollution Prevention Plan (SWP3) according to requirements contained in the General Permit.	Sixteen (16) deficiencies were noted with regard to development and implementation of the facility's SWP3.	A revised SWP3 Plan for the facility was prepared by Zephyr Environmental, P.E. and signed by the plant manager.	8/5/04	10/4/04	10/4/04	A,F
45	30 T.A.C. §§ 210.25	Producers, providers, and users of reclaimed water must adhere to the requirements for reclaimed water systems, which include design criteria. "Reclaimed Water Use" includes irrigation or other uses in areas where the public is not present during the time when irrigation activities occur or other uses where the public would not come in contact with the reclaimed water.	The facility is a user of reclaimed water that is produced and provided by DuPont, but there was no evidence that sampling has been conducted to determine if the water quality meets reclaim water standards. Regarding commingled water, the user's system that conveys the reclaimed water must meet the specification requirements for reclaimed water systems.	Upon further review, the facility has determined that because the water in question is regulated by a TPDES Permit, the reclaimed water rules of chapter 210 do not apply.	8/5/04	N/A	N/A	E
46	30 T.A.C. § 335.2(a)	Facilities that treat hazardous waste are required to obtain a hazardous waste treatment permit, unless that	The facility neutralizes wastewater in the East Conduit wastewater stream if the pH is such that the	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system.	8/5/04	Extension requested until	9/30/05	E

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		treatment meets a listed exemption.	wastewater cannot be discharged to DuPont's Bioponds and as a result may be required to obtain a hazardous waste treatment permit, unless such treatment is exempt. The East Conduit ditch does not meet the definition of a tank, tank system, or container; therefore, based on the definition of elementary neutralization unit and wastewater treatment system, the neutralization of the wastewater in the ditch would not qualify for this exemption and would be considered non-permitted treatment of a hazardous waste.	The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.		11/30/05 to develop corrective measures.		
46.1	30 T.A.C. §§ 335.503(a)(1), 335.504	Hazardous waste regulations require generators to evaluate their wastes using testing and/or process knowledge and to properly manage any wastes that are hazardous wastes due to characteristics and/or regulatory listings.	The facility has not adequately evaluated that all wastes discharged as wastewater to the wood-lined wastewater conveyance systems are non-hazardous.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E
46.2	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	Materials resulting from cooling water system leaks have been discharged to the wood-lined wastewater conveyance system.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E

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				facility submitted a list of TPDES permit items related to this finding to EPA.				
46.3	30 T.A.C. §§ 281.5, 305.48, 305.45	The TPDES permit applicable to the facility's discharges authorizes only those discharges that were disclosed to TCEQ in the permit application and that are within the scope of the authorized discharges contained in the permit.	The facility has not identified the source of the wastewater flow for certain individual discharge points into the wood-lined wastewater conveyance system from facility operations.	The facility has undertaken a review of all discharges to the woodlined wastewater conveyance system. The facility's review did not identify any instances of non-compliance under RCRA or the CWA. INVISTA submitted a report to EPA and TCEQ on 9/30/05 that documents the bases for these conclusions. On 11/30/05 the facility submitted a list of TPDES permit items related to this finding to EPA.	3/14/05	Extension requested seeks until 11/30/05 to develop corrective measures.	9/30/05	E
47	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	Facilities discharging contaminated water to waters of the State (including groundwater) are required to obtain a National Pollution Discharge Elimination System (NPDES) permit.	Chemically treated water from the ADN cooling towers was observed overflowing from a pipe onto the ground. It is unclear if DuPont's NPDES permit covers such discharges to the ground from INVISTA-owned assets.	The funnel for cooling water blowdown was replaced on 9/23/04 to prevent overflow or splashing.	8/11/04	10/10/04	9/23/04	B,F
47.1	TEX. WATER CODE § 26.121(a); 30 T.A.C. §§ 335.2(a) and 335.4	Facilities discharging contaminated water to waters of the State (including groundwater) are required to obtain a National Pollution Discharge Elimination System (NPDES) permit.	Chemically treated water from miscellaneous sources were observed dripping and running into the DuPont wastewater treatment system. It is unclear if DuPont's NPDES permit covers such discharges to the ground from INVISTA-owned assets.	The facility, upon further review, determined that the wastewaters identified in this finding are covered by DuPont's TPDES permit and therefore this is not a violation.	10/7/04	12/6/04	12/3/04	E
48	40 C.F.R. § 266.103(b)(6)(viii) (B)	Operators of boilers and industrial furnaces subject to RCRA interim status standards must maintain a BIF correspondence file that can be viewed and copied by interested parties. The BIF correspondence file must be kept at the facility site where the device is located, and	The facility did not maintain a BIF correspondence file that could be viewed and copied by interested parties.	A centralized BIF public correspondence file has been established by the facility. Although the facility has established a BIF public correspondence file, please note that per 30 T.A.C. § 335.221(a)(10), 40 C.F.R. §	8/9/04	10/8/04	10/7/04	D,F

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		must include all correspondences between the facility and the Director, state and local regulatory officials, including copies of all certifications and notifications, and copies of EPA and State site visit reports submitted to the owner or operator.		266.103(b)(6) has not been adopted by reference by TCEQ.				
49	40 C.F.R. § 270.72	Except as specifically provided, the owner or operator of an interim status facility may make specified changes at the facility (such as treatment, storage or disposal of new hazardous wastes, increases in design capacity, ownership changes, etc.) so long as a revised Part A application is submitted, in some cases no later than 90 days prior to the change and in some cases only after approval by the Director in accordance with specified criteria. In particular, changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator shall comply with the requirements of 40 C.F.R. part 265, subpart H (Financial Requirements), until the new owner or operator has demonstrated to the Director that he is complying with the requirements of that subpart. The new owner or operator must demonstrate compliance with subpart H	Federal regulations provide for changes to interim status for BIF units provided they meet specific requirements and/or notification periods. The following deficiencies and/or discrepancies were noted regarding interim status operation of the facility's BIF units (i.e., Boilers 5, 7, 8, and ADN Boilers North and South): 1. It is not clear that the facility's change in interim status for Boiler No. 5 to hazardous waste service in 1995 met the requirements for interim status change or if it should have been permitted as a new unit (Note – Boiler No. 5 did not burn hazardous waste prior to 1995). 2. The facility did not provide a revised Part A 90-days prior to ownership change on May 1, 2004. Additional Detail: The facility filed a Part A interim status change request with TCEQ on May 31, 1995 to include Boiler No. 5 as an interim status unit. TCEQ granted the facility interim status for Boiler	1. INVISTA representatives met with TCEQ on 8/26/04 regarding this issue. TCEQ and Region VI determined that all of the BIFs are under interim status. 2. Transfer of operational control of the RCRA permitted units to INVISTA had not yet occurred at the time of the audit. INVISTA met with TCEQ to discuss transfer of operational control of the BIF units to INVISTA. On 1/5/05, INVISTA submitted a revised Part A requesting that interim status be transferred from DuPont to INVISTA, reflecting INVISTA as the owner of the equipment, and reflecting DuPont as the owner of the land. INVISTA requested an extension until TCEQ transferred operational control to INVISTA. TCEQ transferred operational control to INVISTA on 3/1/05.	8/12/04	1. 10/11/04 2. Extension requested until operational control transferred by TCEQ to INVISTA (3/1/05).	1. 8/26/04 2. 3/1/05	1. E 2. E